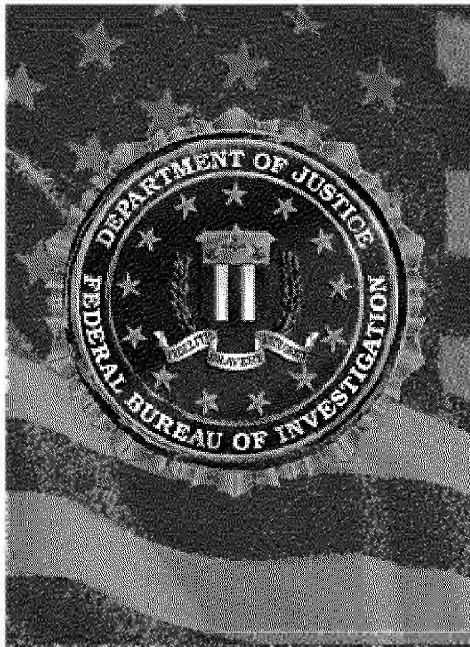


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## Confidential Human Source Policy Manual



**Federal Bureau of Investigation (FBI)**

**POL07-0004-DI**

**Revised September 5, 2007**

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**GENERAL INFORMATION: Questions or comments pertaining to this handbook  
can be directed to:**

FBIHQ/ [redacted] Unit  
Chief, [redacted]

**FBIHQ/Directorate of Intelligence, Division 19, National Security Branch**

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**(NOTE: This document supersedes the Manual of Investigative Operations and  
Guidelines [MIOG] [redacted] and the National Foreign Intelligence Program  
Manual [NFIPM], Section 27).**

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## 1. Scope

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**Purpose:** (U//FOUO) To provide comprehensive policy regarding Confidential Human Sources (CHS).

**Background:** (U//FOUO) Under the authority of the new Attorney General's Guidelines Regarding the Use of FBI Confidential Human Sources (AGGs CHS), the Directorate of Intelligence (DI) [REDACTED] created this Manual, so the Federal Bureau of Investigation (FBI) can meet its mission of intelligence collection in order to respond to investigative program priorities and to national level and FBI intelligence collection requirements. Furthermore, this Manual comprehensively addresses all CHS administration.

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(U//FOUO) This Manual was validated and approved by all relevant substantive divisions and the Office of General Counsel.

**Intended Audience:** (U//FOUO) This Manual is intended for all FBI personnel who have a role in the administration of CHSs.

### 1.1. Overall Program Directives

#### 1.1.1. Responsibility for the Development and Operation of Confidential Human Sources

(U//FOUO) The FBI operates CHSs to meet its mission of intelligence collection in order to respond to investigative program priorities and to national level and FBI intelligence collection requirements. [REDACTED]

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[REDACTED] Therefore, the Assistant Director in Charge (ADIC) or Special Agent in Charge (SAC) of each Field Office<sup>1</sup> (FO) in the FBI is responsible for ensuring that the FO has a viable CHS Program that contributes to the FBI's collective Human Intelligence (HUMINT) base. ADICs, SACs, and members of the FO's Investigative and Intelligence Operations management staff, to include Assistant Special Agents in Charge (ASAC) and Supervisory Special Agents (SSA), are to ensure that the FO fulfills its intelligence collection and information dissemination mission in compliance with FBI's protocols, rules, and regulations, including those contained in this Confidential Human Source Policy Manual (CHSPM). SACs shall implement a comprehensive periodic training of respective personnel regarding the AGGs CHS and CHS policy.

(U) It is a core responsibility of each Special Agent (SA) to develop and maintain a CHS base from which to collect vital information on FBI investigative and national intelligence priorities. [REDACTED]

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<sup>1</sup>(U) This Manual refers to all FBI Field Offices and Field Divisions as FO in order to distinguish them from FBIHQ components.

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[REDACTED]

(U//FOUO) No member of the FBI's management staff or non-Agent personnel shall be the Case Agent (CA) for the operation of a CHS. Only FBI SAs shall serve as CAs whereas SSAs and other management staff are responsible for the oversight and management of the CHS program. SAs serving as Co-CAs have all the same duties and responsibilities as CAs. Legal Attaches (Legat) and Assistant Legat Attaches (ALAT) are allowed to operate CHSs when circumstances dictate. CHS management responsibilities may not be delegated to non-Agent personnel.

### 1.2. Use of the Confidential Human Source Program

(U) Use of the CHS program is warranted when it is prudent and necessary to provide protection to (a) the identity of the CHS of needed information, (b) the information itself, or (c) the CHS's relationship with the FBI. For purposes of this Manual, a CHS is any individual who is believed to be providing useful and credible information to the FBI for any authorized information collection activity, and from whom the FBI expects or intends to obtain additional, useful, and credible information in the future and whose identity, information, or relationship with the FBI warrants confidential handling.

(U) In general, an individual should not be opened as a CHS [REDACTED] when there is no logical reason for confidentiality or when the individual holds a position that would normally compel him/her to provide the information, such as a U.S. law enforcement officer or a U.S. public official. Exceptions would include instances [REDACTED]

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(U) Nothing in this policy manual is intended to create or does create an enforceable legal right or private right of action by a CHS or any other person.

### 1.3. Automated System Entry of Confidential Human Source Files

(U) All communications must be entered into the FBI's automated case management system [REDACTED]

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### 1.4. Sharing of Intelligence

(U) CHS information that has intelligence value should be shared with other squads, FOs, FBI Headquarters (FBIHQ), [REDACTED]

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[REDACTED] (See Section 2, FBI's General Policy for Intelligence Dissemination of the FBI's Intelligence Policy Manual.) [REDACTED]

[REDACTED] Dissemination is the responsibility of the [REDACTED] or the appropriate substantive units at FBIHQ.

(U) When an FBI FO determines that information from any CHS affects investigative matters in another FBI FO, then that information must be forwarded to the other FO

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under the substantive case caption (see Section 15, Dissemination and Disclosure of the Confidential Human Source's Identity).

### 1.5. Classified Information

(U) If the CHS's background information or the information reported reflects matters of national security requiring classification, that information must be appropriately classified based on an assessment of the harm to national security that its unauthorized disclosure would cause. [REDACTED]

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[REDACTED] (See Section 16.2, Files) (See the DI Security Classification Guide for additional guidance.)

### 1.6. Principles of Confidentiality

(U) Protection of the true identity of any CHS is always the primary concern in any decision related to disclosure. This principle extends even to decisions to disseminate the identity within the Department of Justice (DOJ) and among task force partners. SAC approval may be required for disclosure of a CHS's identity or information that the CHS has provided which would have the tendency to identify the CHS as designated in this manual. An FBI employee's obligation to maintain the identity of and information from or regarding any CHS as confidential continues after leaving his/her employment with the FBI. FBI Agents may advise CHSs that a CHS's disclosure of his/her relationship with the FBI may jeopardize the relationship and its effectiveness.

### 1.7. Confidential Human Source Coordinator (CHSC)

(U) Each FO has at least one SA and one alternate SA who serve(s) as the FO's full-time Confidential Human Source Coordinator (CHSC), and who would be assigned to the FO's FIG SSA or the ASAC for intelligence matters. It is at the discretion of the SAC/ADIC whether additional personnel would be assigned to these duties.

(U) CHSCs are responsible for the oversight and compliance matters of the FO's CHS program. (See Field Office Intelligence Handbook, Annex 3: Human Source Coordination.) However, ultimate responsibility for CHS management must lie with FBI supervisors who are in a position of authority over the management of the CHS.

(U) Independently, the AGGs CHS mandate that DOJ appoint a CHSC who is a supervisory Federal Prosecuting Office<sup>2</sup> (FPO) Attorney<sup>3</sup> designated by each Chief

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<sup>2</sup>(U) Federal Prosecuting Offices include the following DOJ components: United States Attorney Offices, the Criminal Division, the National Security Division, or any other litigating component of the Department of Justice with authority to prosecute federal criminal offenses, including the relevant sections of the Antitrust Division, Civil Division, Civil Rights Division, Environmental and Natural Resources Division, and the Tax Division.

<sup>3</sup>(U) FPO Attorney is an attorney employed by or working under the direction of an FPO.

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Federal Prosecutor<sup>4</sup> (CFP) to facilitate compliance with the AGGs. This Manual refers to these individuals as DOJ's CHSC.

1.8. [REDACTED]

[REDACTED]

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### 1.9. Conveying Information to the Confidential Human Source

(U) [REDACTED]

[REDACTED]

### 1.10. Approvals, Authorities, and Delegation

(U) Unless specified otherwise in this manual (i.e., may not delegate), all approval authorities may be delegated to any FBI Agent in a supervisory position. Approval authorities may be provided by anyone in an acting capacity or a higher ranking position than that required.

### 1.11. Audio and Video Recording

(U//FOUO) [REDACTED]

[REDACTED]

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### 1.12. Prohibitions

(U//FOUO) At all times when interacting with a CHS, an FBI employee must conduct himself/herself professionally according to FBI standards and instructions regarding FBI employee conduct. (See Manual of Administrative Operations and Procedures [MAOP], Part I, Section I-1 and The Employee Handbook, Page 26 of 11/2003 edition.)

(U//FOUO) FBI Agents shall not be opened as CHSs.

(U//FOUO) FBI personnel directing, overseeing the direction of, or closely involved with the operation of a CHS may never:

- [REDACTED]
- [REDACTED]
- [REDACTED]

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<sup>4</sup>(U) A CFP is the head of a Federal Prosecuting Office.

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- Interfere with, inappropriately influence, or impede any criminal investigation, arrest, or prosecution of that CHS or any civil action in which the CHS is a litigant or witness

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- Provide to or receive from the CHS anything of more than nominal value (See Section 1.13., Exceptions.)

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- Authorize a CHS to participate in an act of violence.

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- to a CHS unless necessary for CHS operations

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- Socialize with the CHS, except to the extent necessary and appropriate for operational reasons. Meals with CHSs for rapport building and conducting business are considered appropriate. (See Section 1.13., Exceptions.)

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[REDACTED]

authorized to do so by the CFP or his/her designee and after consulting with the SAC. [REDACTED]

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### 1.13. Exceptions

(U//FOUO) [REDACTED]

[REDACTED]

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(U//FOUO) If an FPO is participating in the conduct of an investigation or prosecution<sup>5</sup> utilizing the CHS, the FBI shall provide written notice (with a copy to the CHS file) to the FPO Attorney, in advance whenever possible, if the FBI approves such an exception or if an FBI Agent socializes with the CHS in a manner not permitted.

### 1.14. Removing CJIS Division/NCIC “Stop Notices”

(U//FOUO) [REDACTED]

[REDACTED]

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[REDACTED] Stop notices are removed by CJIS, upon notification by [REDACTED] when the CHSs are closed.

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<sup>5</sup>(U) Any FPO employing or directing an FPO Attorney assigned to a matter whose approval is necessary pursuant to the AGGs CHS, or whose approval was sought or obtained regarding any investigative or prosecutorial matter including the issuance of a search or arrest warrant, electronic surveillance order, subpoena, indictment, or other related matter.

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## 2.1. Opening Communication

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- (U) Investigative classification(s)/type of information on which the CHS reports
- (U) If known, subject or group on whom the CHS reports.

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

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- (U) CA and Co-CA's name, and state whether FBI, Task Force Officer (TFO),

[Redacted]

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- (U) FO and squad handling the CHS

- (U) [Redacted]

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(S)

- [Redacted]

- (U) [Redacted]

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- (U) [Redacted]

- (U) [Redacted]

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- (U) [Redacted]

- (U) [Redacted]

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(U//FOUO) Whether special approvals are required for this CHS pursuant to Section 5 (Special Approval Requirements) of this Manual [REDACTED]

[REDACTED] If the CHS is in a special approval category and is expected to provide purely criminal (and not national security/International Terrorism) information, then a lead must be sent to HIMU to notify the Human Source Review Committee (HSRC). [REDACTED]

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CHSs who are expected to report on national security/International Terrorism matters need not be referred to the HSRC.

### 2.2. Additional Information Required within First 90 Days of Opening

(U) The following information or requests for information [REDACTED] must be documented in the CHS's main file no later than 90 days after the opening date:

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- (U) All required and applicable instructions must be completed (prior to utilization/tasking but no later than 90 days after opening) and reviewed by the SSA during Quarterly SSA Source Report (QSSR) reviews (See Section 4.1, Instructions).

- (U) [REDACTED]  
[REDACTED]

- (U) [REDACTED] including the same information required for [REDACTED] (See Section 2.1., Opening Communication)

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- (U) [REDACTED]
- (U) [REDACTED]  
[REDACTED]

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- (U) [REDACTED]
- (U) [REDACTED]
- (U) Documentation showing that the Co-CA has met the CHS (this can be any documentation that reflects that the Co-CA has met with the CHS, e.g., Source reporting documents, payment receipts, instructions)

- (U) ~~(S)~~ SAs may use their own discretion [REDACTED]  
[REDACTED]

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- (U) [REDACTED]  
[REDACTED]

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- (U) [REDACTED]  
[REDACTED]

- (U) [REDACTED]

- (U) [REDACTED]  
[REDACTED]

- (U) [REDACTED]

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- (U) [REDACTED]

- (U) [REDACTED] if relevant and if possible to ascertain [REDACTED]  
[REDACTED]

(S)

- [REDACTED]

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- (U//FOUO) [REDACTED]  
[REDACTED]

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- (U) [REDACTED]  
[REDACTED] (This guideline is not mandatory.)

**2.3. Criminal Justice Information Services (CJIS) Division/NCIC “Stop Notices”**

- (U) [REDACTED]  
[REDACTED]

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<sup>6</sup> (U) An émigré is a person who departs from his/her country for any lawful reason, with the intention of permanently resettling elsewhere.

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### 2.4. Positive Records Checks/Concurrence to Operate

(U) [redacted] the Agent attempting to open the CHS shall coordinate with the FO conducting the investigation. The resolution or concurrence to operate must be documented in the CHS's main file. [redacted] then the CA must document that fact and the individual may be opened as a CHS. [redacted]

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6.11. Also, an FPO may have to be notified (see Section 9.7.2., Notification to DOJ of Investigation or Prosecution).

### 2.5. Additional Requirements for Certain Confidential Human Sources

(U//FOUO) [redacted]  
[redacted]  
[redacted] (See Section 5, Special Approval Requirements.)

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(S) ~~(U//FOUO)~~ Additionally, other CHSs may require approval from or notification to FBIHQ and/or someone outside of the FBI. Yet other CHSs may require that additional instructions be discussed at the CHS's opening. Some examples of CHSs that fall into these categories are: [redacted]

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(U) While the above listed types of CHSs are examples, more comprehensive guidance is found in Section 4, Instructions; Section 5, Special Approval Requirements; Section 6, The Development and Use of Sensitive Confidential Human Sources; Section 7, [redacted] and Section 8, [redacted]

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### 3. Confidential Human Source Validation

#### 3.1. Validation

(U//FOUO) [REDACTED]  
[REDACTED] The FBI should utilize [REDACTED]  
[REDACTED]

efforts, or reports. Every CHS shall be subject to the Confidential Human Source Validation Standards Manual (CHSVSM), which provides for a [REDACTED] at FBIHQ. For each CHS, CAs complete and submit a Field Office Annual Source Report (FOASR) to FBIHQ [REDACTED] in the appropriate FBIHQ operational division. Field division heads are responsible for establishing an appropriate [REDACTED] that includes [REDACTED] of FOASRs. Executive review of the FOASR can be delegated to an SSA. See the CHSVSM.

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(U//FOUO) [REDACTED]  
[REDACTED] shall be promptly reported to an  
FBI Supervisor and then recorded and maintained in the [REDACTED]

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(U//FOUO) On a quarterly basis, a FO SSA conducts a QSSR for each CHS. QSSR [REDACTED] (See Section 16.9.,  
Quarterly SSA [REDACTED])

(U//FOUO) All FOASRs shall be forwarded to the FBIHQ [REDACTED] in the  
appropriate FBIHQ operational division (i.e., [REDACTED])  
[REDACTED] FBIHQ [REDACTED] determine the scope and extent of review. All  
CHSs would be subject to a [REDACTED]

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[REDACTED]  
[REDACTED] FBIHQ provides feedback to  
the FOs containing one of the following: Findings to Continue Operation, Findings to  
[REDACTED] or Findings to Close. An appeals process is detailed in  
the CHSVSM.

(U//FOUO) [REDACTED]  
[REDACTED] NSIGs, the  
FBIHQ [REDACTED]  
[REDACTED] to the CHSVSM. The DI shall notify DOJ's National  
Security Division (NSD) within [REDACTED] of the FBIHQ's approval of the continued use of  
CHSs in the [REDACTED] The Assistant Attorney General  
(AAG) for the NSD shall designate FPO Attorneys [REDACTED]  
[REDACTED] (See Section 5, Special Approval Requirements and the AGGs  
CHS.)

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## 4. Instructions to be Discussed with a Confidential Human Source

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### 4.1. Instructions

(U//FOUO) The AGGs CHS require that at opening and thereafter at least annually or more often if circumstances warrant, at least one FBI Agent and a witness who is either another FBI Agent or other government official must advise the CHS of all applicable instructions detailed in this Manual (the advising Agent must be an FBI Agent). Recognizing that the opening process may take some time, the instructions must be discussed with the CHS at any time prior to the first operational use but no later than 90 days after the date of opening.

For purposes of delivering instructions to the CHS, the CHS is not considered opened by the FBI until [REDACTED]

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[REDACTED] In these situations, the file may be opened to maintain all requests and the file opening date will still be used as the original opening date for validation requirements. Once the outside approvals are obtained, the FBI Agent must deliver the instructions consistent with this Manual. The delivering FBI Agent and witness shall document that these instructions were given and that the CHS acknowledged the instructions and his/her understanding of them. The FBI Supervisor shall review such documentation at the QSSR review. Such documentation must be maintained in the CHS's main file. The content and meaning of the following provisions must be clearly conveyed:

- The CHS's assistance and the information provided to the FBI are entirely voluntary.
- The CHS must abide by the instructions of the FBI and must not take or seek to take any independent actions on behalf of the U.S. Government.
- The CHS must provide truthful information to the FBI.
- The US Government will strive to protect the CHS's identity but cannot guarantee it will not be divulged.

### 4.2. Additional Instructions

(U//FOUO) If applicable to the particular circumstances of the CHS, or as they become applicable, the AGGs CHS require that additional instructions must be provided to the CHS, and the delivering FBI Agent and witness must document in the CHS's file that they have been provided and that the CHS acknowledged his/her receipt and understanding of the instructions. The content and meaning of the following instructions must be clearly conveyed:

- The FBI on its own cannot promise or agree to any immunity from prosecution or other consideration by an FPO, a state or local prosecutor, or a Court in exchange for the CHS's cooperation because the decision to confer any such benefit lies within the

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exclusive discretion of the prosecutor and the Court. However, the FBI will consider (but not necessarily act upon) advising the appropriate prosecutor of the nature and extent of the CHS's assistance to the FBI. (This instruction should be given if there is any apparent issue of criminal liability or penalty.)

- [REDACTED] the CHS is not authorized to engage in any criminal activity and has no immunity from prosecution for any unauthorized criminal activity. [REDACTED]  
[REDACTED] This instruction should be repeated if the CHS is suspected of committing unauthorized illegal activity. See Section 9.7.1., Notification to DOJ of Unauthorized Illegal Activity, and Section 10, CHS Participation in Illegal Activity.)
- The CHS is not an employee of the U.S. Government and may not represent himself/herself as such except under those circumstances where the CHS has previously been, and continues to be, otherwise employed by the U.S. Government.
- The CHS may not enter into any contract or incur any obligation on behalf of the U.S. Government, [REDACTED] or under those circumstances where the CHS is otherwise authorized to enter into a contract or incur an obligation on the behalf of the United States.

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- [REDACTED]

- The FBI cannot guarantee any rewards, payments, or other compensation to the CHS.

Each time a CHS subject to the AGGs CHS receives any rewards, payments, or other compensation from the FBI, the CHS shall be advised at the time of payment that he/she is liable for any federal, state, or local taxes that may be owed on that compensation. All CHSs operating domestically (in any U.S. territory) and [REDACTED] (U.S.) case are subject to the AGGs CHS and must be provided this instruction.

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4.2.3.

[REDACTED]

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4.2.4.

(U//FOUO)

[REDACTED]

4.2.5.

(U//FOUO)

[REDACTED]

4.2.6.

(U//FOUO)

[REDACTED]

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## 5. Special Approval Requirements

### 5.1. Special Approvals

(U) The AGGs CHS apply to all CHSs' domestic (U.S. territory) activity. The AGGs CHS apply [REDACTED]

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[REDACTED] All CHSs subject to the AGGs CHS must be evaluated to determine whether special approval for continued use by DOJ is required as follows:

(U) CHSs who are expected to report on criminal matters (and not on national security, including International Terrorism and other matters governed by the NSIGs and who do not already have an FPO involved) would be reviewed by a HSRC, a committee comprised of DOJ and FBI representatives that convenes pursuant to the AGGs CHS, if the CHS falls into any of the [REDACTED]

[REDACTED] These CHSs may be opened or approved for continued use by the FO's SSA; however, the FO must notify HIMU of all special approval category CHSs so that [REDACTED] can refer them to the [REDACTED] FOs must notify [REDACTED] on the opening communication and on the FOASR (or in writing any time the CHS's status changes thus making him/her subject to the HSRC review). Within 60 days of a CHS's utilization who falls into any of these categories (or within 60 days of FBIHQ's approval for continued use of [REDACTED] must seek written approval from the [REDACTED] for continued use unless an FPO attorney has existing oversight of a CHS because the CHS has agreed to testify in a federal criminal prosecution. However, [REDACTED] would be referred to the [REDACTED] (regardless of whether the CHS has worked with an FPO). Relevant information concerning the use of the CHS, except for the identity of the CHS unless the Deputy Assistant Director (DAD) chairing the [REDACTED] in coordination with the FO's SAC determines that compelling reasons exist to warrant such a disclosure, shall be provided to the [REDACTED] The CHS may continue to be operated while such approval is pending. The [REDACTED] approval process shall be completed no more than 45 days after the FBI submitted the request.

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(U) CHSs who report on national security matters, including International Terrorism or other activities under the NSIGs are not reviewed by the [REDACTED] Rather, these CHSs would be reviewed by a DOJ Attorney designated by the AAG of DOJ's NSD. This review does not occur at opening. Instead, [REDACTED] of FBIHQ approving the continued use of a CHS who was subjected to the [REDACTED] of the [REDACTED] the DI provides notice to a designated FPO Attorney in the NSD (see Section 3.1. [REDACTED] AGGs CHS). Upon request from the NSD Attorney, the FBI shall make available at FBIHQ [REDACTED] NSD's objections to the continued use of the CHS would be forwarded to the Deputy Attorney General (DAG); however, the FBI would be allowed to utilize the CHS pending the resolution. The CHS's identifying information is not disclosed unless the Assistant

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Director (AD) or the DAD of the division using the CHS determines that compelling reasons warrant such a disclosure.

[REDACTED]

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[REDACTED] For additional information about these DOJ reviews and the further appeals process, see the AGGs CHS.

### 5.2. Special Approval Categories

(U) ~~(S)~~/NF) All requests seeking approval for the continued use of CHSs who meet any of the definitions in this Section [REDACTED]

[REDACTED]

[REDACTED] for criminal matters shall be submitted to [REDACTED] and then reviewed and approved by the [REDACTED] except when the FPO is involved with the CHS. This exception does not apply to [REDACTED] CHSs expected to report on International Terrorism or matters governed by the NSIGs are not referred to the HSRC (See Section 5.1, Special Approvals). Instead, these CHSs would be referred to DOJ's NSD after FBIHQ recommends continued use pursuant to an [REDACTED]

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#### 5.2.1. [REDACTED]

[REDACTED]

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#### 5.2.2. [REDACTED]

[REDACTED]

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5.2.3.

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5.2.4.1.

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5.2.4.2.

[Redacted]

[Redacted]

5.2.4.3.

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5.2.4.4.

[Redacted]

[Redacted]

5.2.5.

[Redacted]

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## 6. The Development and Use of Sensitive Confidential Human Sources

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6.1. [REDACTED]

[REDACTED]

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6.1.1. [REDACTED]

(U//FOUO) If an FPO is participating in the conduct of an investigation by the FBI in which a [REDACTED] would be utilized as a CHS or would be working with such CHSs in connection with the prosecution, the FBI shall notify the FPO Attorney assigned to the matter prior to using the person as a CHS.

6.2. [REDACTED]

(U//FOUO) [REDACTED]

[REDACTED]

(U//FOUO) [REDACTED]

[REDACTED]

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[Redacted]

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(U//FOUO) [Redacted]

[Redacted]

[Redacted] (See Section 6.2.2., Written Approval Communication).

**6.2.1. Additional Approvals to Utilize** [Redacted]

(U//FOUO) [Redacted]

[Redacted]

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(U//FOUO) However, OEO policy does not require OEO approval if:

- [Redacted]
- [Redacted]

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(U//FOUO) [Redacted]

[Redacted]

- [Redacted]

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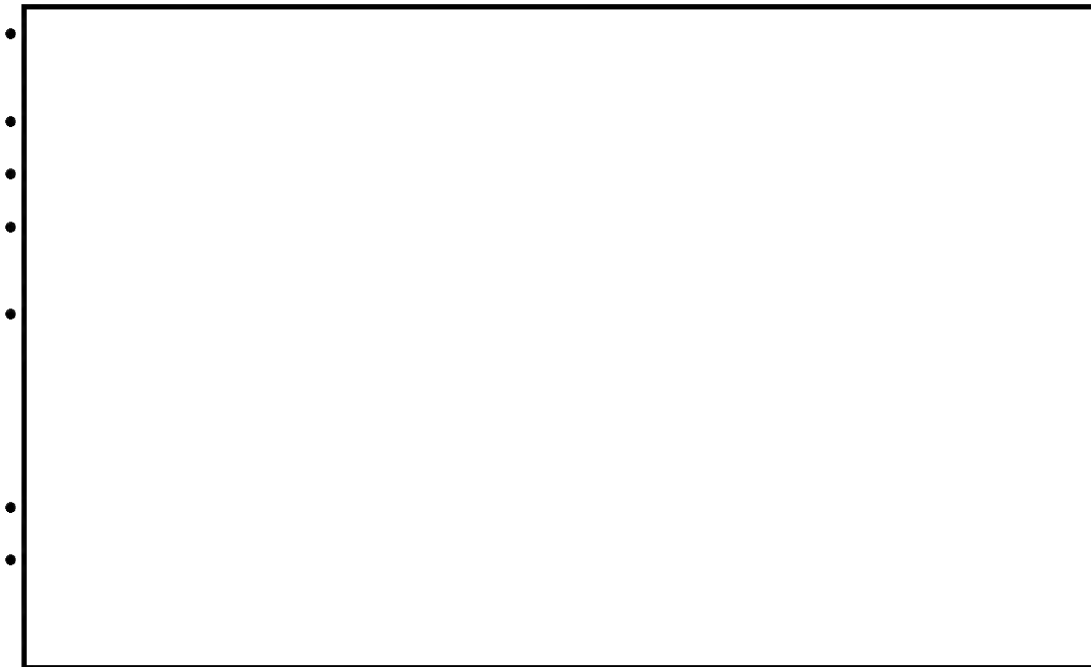
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### 6.2.2. Written Approval Communication

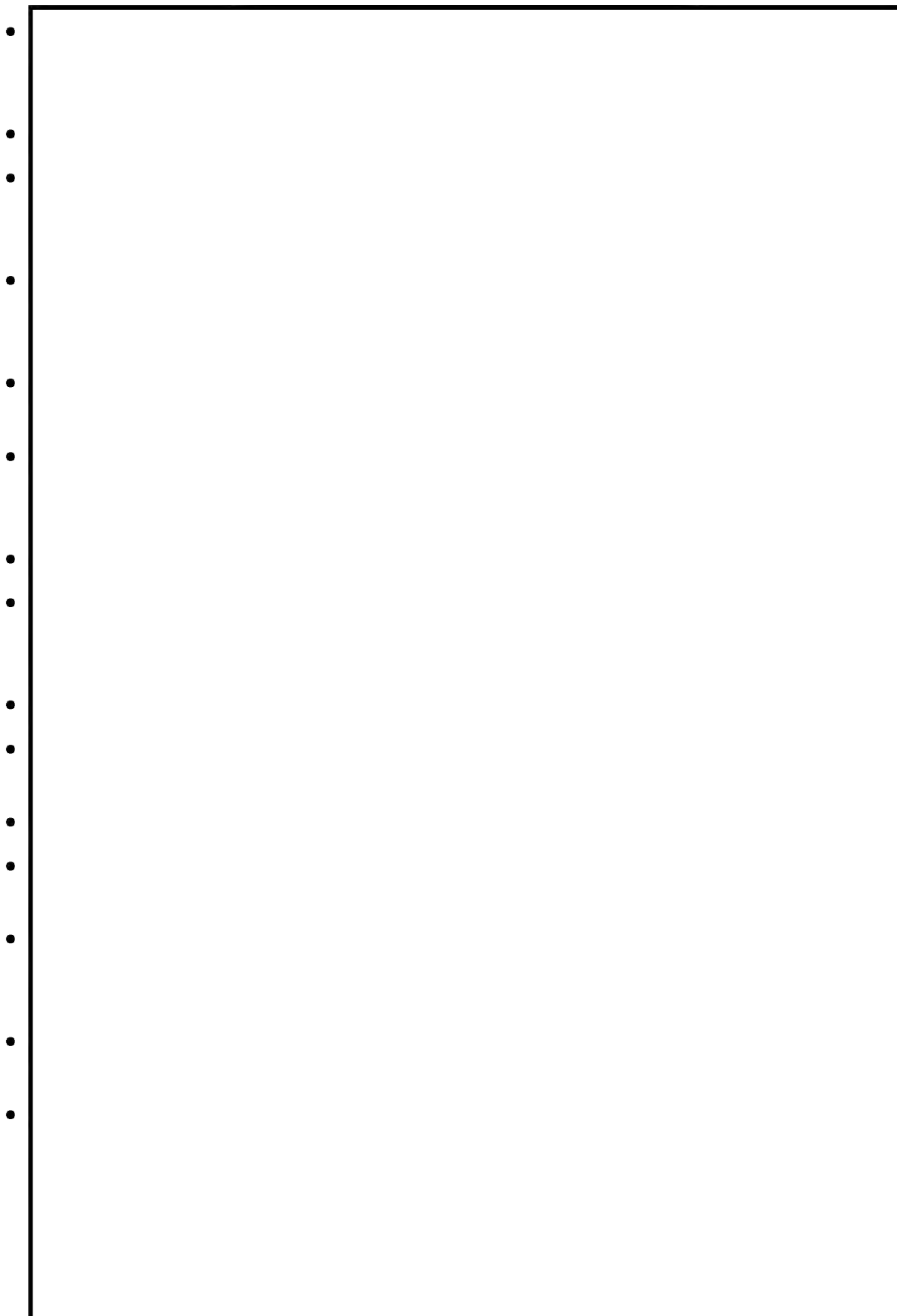
(U//FOUO) The CA shall prepare a communication approved by the SAC to [redacted] which coordinates with the substantive unit and obtains OEO approval. If there are exigent circumstances, an immediate oral response can be obtained from OEO by FBIHQ with the written approval to follow. The communication to [redacted] uses the CHS's file number as the Case ID number. As required by OEO, the FO shall provide [redacted] with the following information in a Letterhead Memorandum (LHM) format appropriate for dissemination to OEO:



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- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

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6.3.

[REDACTED]

[REDACTED]

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6.3.1.

[REDACTED]

[REDACTED]

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(U//FOUO) [Redacted]

**6.3.2.** [Redacted]

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(U//FOUO) If an FPO is participating in the conduct of an investigation by the FBI in which a [Redacted] would be utilized as a CHS or would be working with a [Redacted]

[Redacted] in connection with the prosecution, the FBI shall notify the FPO Attorney assigned to the matter prior to using the person as a CHS.

**6.4.** [Redacted]

(U//FOUO) [Redacted]



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- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

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6.5.

[Redacted]

6.6.

[Redacted]

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6.7.

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

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- [REDACTED]
- [REDACTED]

6.8. [REDACTED]

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(U//FOUO) A court order is required before [REDACTED] if he/she is going to provide information on either employees of, or patients in, such a program (see 42 Code of Federal Regulations Section 2.67). If the individual is being opened for the purpose of obtaining information unrelated to his/her employment, employees, or [REDACTED] then this fact shall be documented to the CHS's main file, and a court order is not required.

6.9. [REDACTED]

(U//FOUO) The FBI may accept information concerning alleged violations of law or other matters within FBI jurisdiction from [REDACTED]. The FBI may not target CHSs for the sole purpose of collecting information concerning the political beliefs or personal lives of individuals [REDACTED] will not knowingly influence or attempt to influence any action of a [REDACTED] unless in furtherance of a compelling governmental interest. If the investigation plans any activity which may [REDACTED] the CA must consult with the CDC.

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6.10. [REDACTED]

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(S) [REDACTED]

(U//FOUO) [REDACTED]

(U//FOUO) [REDACTED]

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(U//FOUO) [REDACTED]

**6.10.1. FO Responsibility**

(U//FOUO) The FO must send an Electronic Communication (EC) to the [REDACTED] at FBIHQ [REDACTED] then prepares a [REDACTED]

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- Full name (First, Middle, Last)
- Date-of-birth
- Place-of-birth
- SSAN

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

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- Anticipated CHS activities/tasking
- The results of the completed background investigation
- FBI point-of-contact and [Redacted]

### 6.10.2. FBIHQ Responsibility

(U//FOUO) Upon receipt of the FO's EC, HIMU coordinates with the substantive unit and [Redacted]

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[Redacted]

(U//FOUO)

[Redacted]

- The results of FBIHQ indices checks
- A request for concurrence in the utilization of the person as a CHS

- [Redacted]
- [Redacted]

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(U//FOUO)

[Redacted]

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- The results of FBIHQ indices checks

• [REDACTED]

(U//FOUO) [REDACTED]

[REDACTED]

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- The results of FBIHQ indices checks
- A request for concurrence in the utilization of the person as a CHS

• [REDACTED]

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(U//FOUO) [REDACTED]

[REDACTED]

**6.11.**

[REDACTED]

(U//FOUO) A [REDACTED] is an individual:

- For whom [REDACTED]
- For whom a [REDACTED] and
- For whom the [REDACTED] is willing, if necessary, to seek his/her

[REDACTED]

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(U//FOUO) The CA may communicate with a current or former CHS who is a [REDACTED] only if:

- The communication is part of a legitimate [REDACTED]
- The [REDACTED] CHS initiates the communication; or
- Approved, in advance whenever possible, by a Supervisor of any federal, state, or local law enforcement agency that has a [REDACTED]

[REDACTED]

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(U//FOUO) An SA who communicates with a [REDACTED] must promptly report such communication to the SSA and to the appropriate federal, state, or local law enforcement agency [REDACTED] and document that communication in the CHS's file.

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6.12. [REDACTED]

(U//FOUO) To open a [REDACTED] CHS, a detailed justification explaining the reason this individual requires the protection of the FBI's CHS program must be presented to the SAC and approved prior to opening (this approval requirement may not be delegated). All instructions apply [REDACTED] if opened as CHSs.

(U//FOUO) SSA approved payments to [REDACTED] are restricted to reimbursements for expenses incurred in direct support of an investigation and relocation expenses if justified and necessary. Compensation to these individuals for services as a CHS, to include lump sum payments, must be approved by the SAC (this approval may not be delegated). The CA should consult with the CDC who may confer with the Office of the Chief Acquisition Officer, Finance Division (FD) at FBIHQ to determine whether a [REDACTED] should be used. If applicable, an FPO Attorney participating in the conduct of the investigation must be consulted regarding these payments.

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(U//FOUO) [REDACTED] that person to [REDACTED] Generally, [REDACTED] [REDACTED] [REDACTED] contact the [REDACTED] at FBIHQ. See Section 6.13. [REDACTED] in the CHSPM. See Section 11.8 in the Undercover Operations Manual, NFIPM, Section 28, and Sections II.C and III in the AGGs for [REDACTED]

6.13. [REDACTED]

(U//FOUO) When considering the use of CHSs or any individual in [REDACTED] [REDACTED] consult with the FO's UC Coordinator and/or with the [REDACTED] at FBIHQ for either criminal or national security matters. If an individual meets the definition of an [REDACTED]

[REDACTED] in this Manual), that person must not be designated as a CHS. Instead, the person must be designated as an [REDACTED] Further, if an individual meets neither the definition [REDACTED] nor the requirements to be designated as an FBI CHS, the [REDACTED]

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(U//FOUO) If it is necessary for a CHS to be involved in an operation covered by the [REDACTED] the activity requires approval by the [REDACTED] Further, any investigation which potentially involves sensitive circumstances as defined by the [REDACTED] must be referred to the FO's CDC for review before SAC approval is granted for the CHS to participate in

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the investigation. The CDC's assessment and SAC's approval must be documented in the CHS's main file.

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### 6.14.

(U//FOUO) The FBI's issuance of an [REDACTED] is only allowed in extraordinary circumstances in accordance with the following policy:

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(U//FOUO) If the individual qualifies as [REDACTED] then the CHS must be closed and designated as [REDACTED] instead. This may constitute an [REDACTED]

[REDACTED] For additional information, [REDACTED] or see the [REDACTED]

[REDACTED] (See Section 6.12.) [REDACTED]

(U//FOUO) If, however, the CHS does not [REDACTED] the FO may request that [REDACTED] be issued to the CHS. Because [REDACTED] to a CHS constitutes an extraordinary circumstance, these requests are only granted under limited situations. The CA must submit a written communication, approved by the SAC and [REDACTED]

[REDACTED] the appropriate substantive unit, the appropriate FBIHQ [REDACTED] and the [REDACTED]

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[REDACTED] that the CHS could not be designated as an [REDACTED] could not be issued [REDACTED] The written justification must detail the reason(s) the CHS requires an [REDACTED]

[REDACTED] following the procedures detailed in this Manual.

(U//FOUO) As an extraordinary request, approval lies within the discretion of FBIHQ and is not guaranteed. Approval for [REDACTED] must be granted by the Section Chief responsible for the CHS Program (this authority may not be delegated). Other approvals are required by the policies of the substantive division(s) and [REDACTED] coordinates all FBIHQ approvals and notifies the FO of the final decision.

(U//FOUO) [REDACTED] The FO must utilize other methods to provide protection. [REDACTED]

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(U//FOUO) If an [REDACTED] the FO is responsible for complying with all guidance from the [REDACTED]

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6.15. [REDACTED]

(U//FOUO) [REDACTED]

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6.16. [REDACTED]

(U//FOUO) If the CHS is an [REDACTED] the FO must notify [REDACTED] personnel of this fact. [REDACTED] notifies the AD of the substantive division and the substantive unit. If the AD has questions or concerns about the opening of the CHS, the AD may contact the FO or the substantive unit to resolve the issues.

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6.17. [REDACTED]

(U//FOUO) [REDACTED]

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## 8. Immigration

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### 8.1. [REDACTED]

#### 8.1.1. FBI Policy

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(U//FOUO) It is the policy of the FBI to attempt to [REDACTED] the status of a CHS who is known to be an [REDACTED]

#### 8.1.2. Requirements

(U//FOUO) The SSA must authorize the opening of an [REDACTED] and that authorization must be documented in the CHS's main file. [REDACTED]

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(U//FOUO) [REDACTED]

[REDACTED]

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(U//FOUO) If a determination is made to close the CHS [REDACTED]

[REDACTED]

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(U//FOUO) [REDACTED] coordinates these matters with the substantive divisions at FBIHQ as necessary.

#### 8.1.3. Operation

(U//FOUO) [REDACTED]

[REDACTED]

(U//FOUO) [REDACTED]

[REDACTED]

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(U//FOUO) [REDACTED]

(U//FOUO) [REDACTED]

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8.2. [REDACTED]

(U//FOUO) [REDACTED]

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(U//FOUO) [REDACTED]

(U//FOUO) [REDACTED]

(U//FOUO) [REDACTED]

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(U//FOUO) To initiate a request for either [REDACTED] FOs shall provide the following information after SAC approval to [REDACTED]

[REDACTED] Requests for [REDACTED] must be on a DOJ supplemental

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- Significance of the investigation
- Significance of cooperation
- Basis of request of  status
- (if applicable)
- Assessment of threat to the witness
- Pre-existing grounds of excludability (i.e., pending criminal charges)

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(U//FOUO)

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[REDACTED]

(U//FOUO) [REDACTED]

[REDACTED]

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(U//FOUO) Upon the initial submission of the [REDACTED] application to DOJ, [REDACTED]

[REDACTED]

(U//FOUO) [REDACTED]

[REDACTED] are effective tools for law enforcement and intelligence operations that involve [REDACTED]

[REDACTED]

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[REDACTED] CHS, i.e., name, alien number, sex, date-of-birth, and country-of-birth). All [REDACTED] NCIC, and [REDACTED]

[REDACTED]

### 8.3. [REDACTED]

(U//FOUO) [REDACTED]

[REDACTED]

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(U//FOUO) To initiate a [REDACTED] request, FOs should contact [REDACTED] or check the DI Intranet site for examples of the way to document the request and for current application procedures to obtain [REDACTED]

(U//FOUO) [REDACTED] are the responsibility of the sponsoring FO. FOs must make their best effort to ensure that these individuals do not violate any US laws while they are [REDACTED]

[REDACTED] The CA [REDACTED]

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[REDACTED]

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8.4.

[REDACTED]

[REDACTED]

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8.5.

[REDACTED]

(U//FOUO) [REDACTED] is an administrative remedy of the last resort to [REDACTED]

[REDACTED] and as such, all appropriate administrative relief should be exhausted before considering deferred action. [REDACTED] does not confer

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[REDACTED] for any purpose [REDACTED]

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[REDACTED]

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(U//FOUO) To initiate a [REDACTED] request, FOs should contact [REDACTED] or check the DI intranet site for ways to document the request and to access current application procedures to request deferred action.

### 8.6. [REDACTED]

(U//FOUO) [REDACTED] granted by the District Director for ICE's District Office, after consultation with DOS, on the basis of whether [REDACTED]

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[REDACTED]

(U//FOUO) [REDACTED]

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## 9. Utilization of Confidential Human Sources

### 9.1. Confidential Human Sources Who Testify in a Court or Other Proceeding

(U//FOUO) Whenever it becomes apparent that a CHS may have to testify in a court or other proceeding, the CA must advise the CHS of that possibility. This advisement must be documented in the CHS's main file. Additionally, written documentation of FPO concurrences with certain aspects of further CHS operation, which may be at issue in court, must be documented in the CHS's main file (e.g., payments, Tier I illegal activity).

(U//FOUO) If the CA gives the CHS instructions to gather physical or documentary evidence or make consensual recordings which will be used in trial, that CHS may be required to testify, and the CHS should be informed by the CA prior to the tasking.

(U//FOUO) Unanticipated situations may arise, however, that cause a CHS to testify even though the CHS has not previously agreed to do so. For example, [REDACTED]

[REDACTED] it may be necessary for the CHS to testify. If there is a possibility that a Court may require a [REDACTED]

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### 9.2. [REDACTED]

(U//FOUO) [REDACTED] must comply with the Attorney General's Procedures for [REDACTED]

[REDACTED]. Per FBI policy [REDACTED] requires SAC approval. CDC concurrence is required for sensitive circumstances as outlined in the [REDACTED]

The CA shall ensure that all appropriate documentation required for [REDACTED]

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The FO is required to maintain records for each [REDACTED] that it has conducted. DOJ approval is also required (see below).

(U//FOUO) The CDC may review requests for [REDACTED] for privilege issues, evidentiary issues, issues involving represented persons, and similar legal considerations based on current case law. The CA should consult with the CDC for guidance any time such issues or concerns arise.

(U//FOUO) In sensitive circumstances as defined by the [REDACTED] written approval from DOJ/OEO is required. The FO sends the [REDACTED] request to the substantive unit, which obtains OEO approval and notifies the FO of such. In non-sensitive circumstances, the FO obtains oral approval from a DOJ attorney, either an AUSA or an attorney from the Criminal Division of DOJ, designated by the AAG. However, if the investigation is being conducted pursuant to the NSIGs, then DOJ approval is not required. Instead, only the CDC's or OGC's approval is required. In national security investigations, Agents should consider consulting with FPO/DOJ Attorneys if any are assigned.



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(U//FOUO) In exigent circumstances, when DOJ approving officials can not be reached, authorization may be given by the SAC or ASAC. In this situation, the FO must notify the substantive unit. The substantive unit then must notify OEO as soon as practical, but no later than three working days after the approval.

(U//FOUO) The CHS must be present at all times to ensure the [REDACTED] [REDACTED] If the CHS makes a [REDACTED] that at the time is intended to be used in court, the CHS must have agreed to testify. [REDACTED] [REDACTED] in which a CHS may be present should consider whether that CHS has agreed to testify. Documentation of the CHS's agreement to testify must be in the CHS's main file. b7E

### 9.3. [REDACTED]

(U//FOUO) [REDACTED]  
[REDACTED]

### 9.4. Obtaining Information about a [REDACTED]

(U//FOUO) If a [REDACTED] who is facing pending criminal charges for which his/her Sixth Amendment right to counsel has attached, the [REDACTED] regarding the pending charges. A subject's Sixth Amendment right attaches when a prosecution is commenced (i.e., at or after the initiation of adversarial judicial criminal proceedings—whether by way of formal charge, preliminary hearing, indictment, information, or arraignment). b7E

(U//FOUO) Nevertheless, a CHS may be directed to: [REDACTED]  
[REDACTED]

(U//FOUO) In certain circumstances, a [REDACTED] [REDACTED] but against whom charges are not pending may be limited by other laws (see the Citizen's Protection Act codified at 28 USC § 530B). On any occasion when [REDACTED] it is recommended that the CA consult with the FO's CDC. b7E

(U//FOUO) Finally, a CHS should be instructed not to interfere with the subject's attorney/client relationship. For example [REDACTED]  
[REDACTED]

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### 9.5. Confidential Human Sources [REDACTED]

(U//FOUO) Using a CHS to [REDACTED]

[REDACTED] The CA cannot accept communication contents and records in violation of the Electronic Communications Privacy Act (ECPA). Court orders may be required to obtain such information. Guidance on these issues may be provided by the substantive unit, CDC, OGC, the Cyber Division, and any relevant FPO.

### 9.6. Information from [REDACTED]

(U//FOUO) [REDACTED] are individuals from whom [REDACTED] The CHS [REDACTED] reports the information directly to the CA [REDACTED] are not [REDACTED] are not operated at the direction of the FO, and cannot be controlled by the FBI. Additionally, [REDACTED]

[REDACTED] Therefore, in order to prevent intelligence from being mistakenly disseminated within the Intelligence Community with the impression that it is derived from a [REDACTED] the information must be appropriately attributed [REDACTED] whose reliability is unknown. CHS reporting must accurately describe the reliability of the information or its origin.

### 9.7. Special Notification of Information to DOJ

#### 9.7.1. Notification to DOJ of Unauthorized Illegal Activity

(U//FOUO) If an FBI Agent has reasonable grounds to believe that a CHS has engaged in unauthorized criminal activity (other than minor traffic offenses), the FBI shall promptly notify DOJ's CHSC or the assigned FPO Attorney. In turn, the DOJ's CHSC or assigned FPO Attorney shall notify the following FPOs of the CHS's criminal activity and his/her status as a CHS:

- The FPO in whose district the criminal activity primarily occurred, unless a state or local prosecuting office in that District has filed charges against the CHS for the criminal activity and there is no basis for federal prosecution in that District;
- The FPO Attorney, if any, who is participating in the conduct of an investigation that is utilizing the CHS or who is working with the CHS in connection with a prosecution; and
- The FPO Attorney, if any, who authorized the CHS to engage in OIA.

(U//FOUO) Whenever such notifications are provided, the CFP and the FBI SAC, with the concurrence of each other, shall notify any state or local prosecutor's office that has jurisdiction over the CHS's criminal activity and that has not already filed charges against the CHS for the criminal activity of the fact that the CHS has engaged in such criminal activity. The CFP(s) and the SAC(s) are not required, but may, with the other's concurrence, also notify the state and local prosecutor's office of the person's status as a CHS. These notifications should be documented in the CHS's file.

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(U//FOUO) If the SAC determines that the CHS will continue to be utilized, then an FBI Agent shall re-admonish the CHS that he/she is not authorized to participate in an illegal activity and has no immunity for participation in such unauthorized illegal activity. This admonishment should be witnessed by another FBI Agent, government official, and/or TFO. The admonishment must be documented in the CHS's file consistent with the requirements in Section 4.1., Instructions.

(U//FOUO) See Section 9.7.8., Exceptions to the Special Notification Requirements, for exceptions to the FPO DOJ notification requirements.

### **9.7.2. Notification to DOJ of Investigation or Prosecution**

(U//FOUO) If an FBI Agent has reasonable grounds to believe that the alleged felonious activity of a current or former CHS is, or is expected to become, the basis of a prosecution or investigation by an FPO or a state or local prosecutor's office, the FBI Agent must immediately notify a DOJ CHSC or the assigned FPO Attorney of that individual's status as a current or former CHS. However, with respect to a former CHS whose alleged felonious activity is, or is expected to become, the basis of a prosecution or investigation by a state or local prosecutor's office, no notification obligation shall arise unless the FBI Agent has reasonable grounds to believe that the CHS's prior relationship with the FBI is material to the prosecution or investigation.

(U//FOUO) Whenever such a notification occurs, the DOJ's CHSC or the assigned FPO Attorney shall notify the CFP. The CFP and the FBI SAC, with the concurrence of each other, shall notify any other federal, state, or local prosecutor's office or law enforcement agency that is participating in the investigation or prosecution of the CHS.

(U//FOUO) See Section 9.7.8., Exceptions to the Special Notification Requirements, for exceptions to the FPO DOJ notification requirements.

### **9.7.3. Notification to DOJ Regarding Certain Federal Judicial Proceedings**

(U//FOUO) The FBI shall immediately notify an appropriate DOJ CHSC or the assigned FPO Attorney whenever an FBI Agent has reasonable grounds to believe that:

- A current or former CHS has been called to testify by the prosecution in any federal grand jury or judicial proceeding;
- The statements of a current or former CHS have been, or will be, utilized by the prosecution in any federal judicial proceeding; or
- An FPO Attorney intends to represent to a Court or jury that a current or former CHS is or was a co-conspirator or other criminally culpable participant in any criminal activity.

(U//FOUO) See Section 9.7.8., Exceptions to the Special Notification Requirements, for exceptions to the FPO DOJ notification requirements.

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**9.7.4. Notification to DOJ of Privileged or Exculpatory Information**

(U//FOUO) If an FPO is participating in the conduct of an investigation by the FBI that is utilizing a CHS or working with a CHS in connection with a prosecution, the FBI shall notify the FPO Attorney assigned to the matter, in advance whenever possible, if the FBI has reasonable grounds to believe that the CHS will obtain or provide information that is subject to, or arguably subject to, a legal privilege of confidentiality belonging to someone other than the CHS.

(U//FOUO) Whenever (regardless of whether an FPO is assigned or participating in the conduct of a related investigation) an FBI Agent knows or reasonably believes that a current or former CHS has information that is exculpatory as to a target of a federal, state, or local investigation, or as to a defendant (including a convicted defendant) in a federal, state, or local case, the FBI Agent shall disclose the exculpatory information to either the assigned FPO Attorney that is participating, or had participated, in the conduct of that investigation or to the DOJ CHSC.

(U//FOUO) In turn, the assigned FPO Attorney or the DOJ CHSC shall disclose the exculpatory information to all affected federal, state, and local authorities. In the event the disclosure would jeopardize the security of the CHS or seriously compromise an investigation, the FPO Attorney or the DOJ CHSC shall refer the matter to the HSRC for consideration, except such matters with respect to an International Terrorism investigation, national security investigation, or other activity under the NSIG shall be referred to the AAG of the NSD or his/her designee.

(U//FOUO) See Section 9.7.8., Exceptions to the Special Notification Requirements, for exceptions to the FPO DOJ notification requirements.

**9.7.5.** [REDACTED]

(U//FOUO) The FBI shall not [REDACTED]

- [REDACTED] would endanger that person's life or otherwise jeopardize an ongoing investigation; or
- [REDACTED] based on his/her suspected involvement in unauthorized criminal activity.

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(U//FOUO) In the event the [REDACTED] the CA must inform the FPO Attorney making the application and the Court to which the application is made [REDACTED]

(U//FOUO) See Section 9.7.8., Exceptions to the Special Notification Requirements, for exceptions to the FPO DOJ notification requirement.

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(S) 9.7.6. [REDACTED]

(S) [REDACTED]

- Whether or not the CHS was paid. This can be done using general terms so that no exact amounts are given (e.g., the CHS was paid a modest fee for information).
- [REDACTED]
- Any other Brady/impeachment information.

(U//FOUO) Agents are encouraged to consult with the CDC and/or the National Security Law Branch (NSLB) regarding details of the above information.

**9.7.7. Responding to Requests from FPO Attorneys Regarding a Confidential Human Source**

(U//FOUO) In any criminal matter arising under, or related to, the AGGs, upon request by an appropriate FPO Attorney, the FBI shall promptly provide the FPO Attorney all relevant information concerning the CHS, including whether he/she is a current or former CHS for the FBI.

(U//FOUO) If the FBI SAC has an objection to providing such information based on specific circumstances of the case, he/she shall explain the objection to the FPO making the request and any remaining disagreement as to whether the information should be provided shall be resolved pursuant to Section 20, Exceptions and Dispute Resolution of the AGGs CHS.

(U//FOUO) See Section 9.7.8., Exceptions to the Special Notification Requirements, for exceptions to the FPO DOJ notification requirements.

**9.7.8. Exceptions to the Special Notifications Requirements**

(U//FOUO) The Director of the FBI, with the written concurrence of the DAG, may withhold any notification required pursuant to the following sections of this Manual: Section 9.7.1., Notification to DOJ of Unauthorized Illegal Activity; Section 9.7.2., Notification to DOJ of Investigation or Prosecution; Section 9.7.3., Notification to DOJ Regarding Certain Federal Judicial Proceedings; Section 9.7.4., Notification to DOJ of Privileged or Exculpatory Information; Section 9.7.5. [REDACTED] and Section 9.7.7., Responding to Requests From FPO Attorneys Regarding a CHS. Such concurrence must be based on a determination that the identity, position, or information provided by the CHS warrants extraordinary protection

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for sensitive national security reasons. Any such determination to withhold notification shall be documented and maintained in the CHS's main file along with the concurrence of the DAG.

### **9.7.9. DOJ Review of FBI Confidential Human Source Files**

(U//FOUO) If the FBI discloses any information about a CHS to an FPO Attorney pursuant to Sections 9.7.1., 9.7.2., 9.7.3., 9.7.4, 9.7.5., and 9.7.7., the SAC and the CFP shall consult to facilitate any reviewing and copying of the CHS's files by the FPO that might be necessary for an FPO Attorney to fulfill his/her disclosure obligations.

### **9.7.10. Designees**

(U//FOUO) An SAC and a CFP may, with the concurrence of each other, designate particular individuals in their respective offices to carry out the functions assigned to them in paragraphs 9.7.1. – 9.7.9., excluding 9.7.8., Exceptions to the Special Notification Requirements.

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### 10. Confidential Human Source [REDACTED]

[REDACTED]

#### 10.1. [REDACTED]

(U//FOUO) [REDACTED]

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[REDACTED]

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- [REDACTED]
- [REDACTED]

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[REDACTED]

## 10.2. Authorization Requirements

(U//FOUO) The SAC or ASAC (see Section 10.5., Designee Section) must authorize all [REDACTED] by an FBI CHS and the authorization, and all subsequent re-authorizations, must be documented in the CHS's file (see Section 10.11, Record Keeping Procedures).

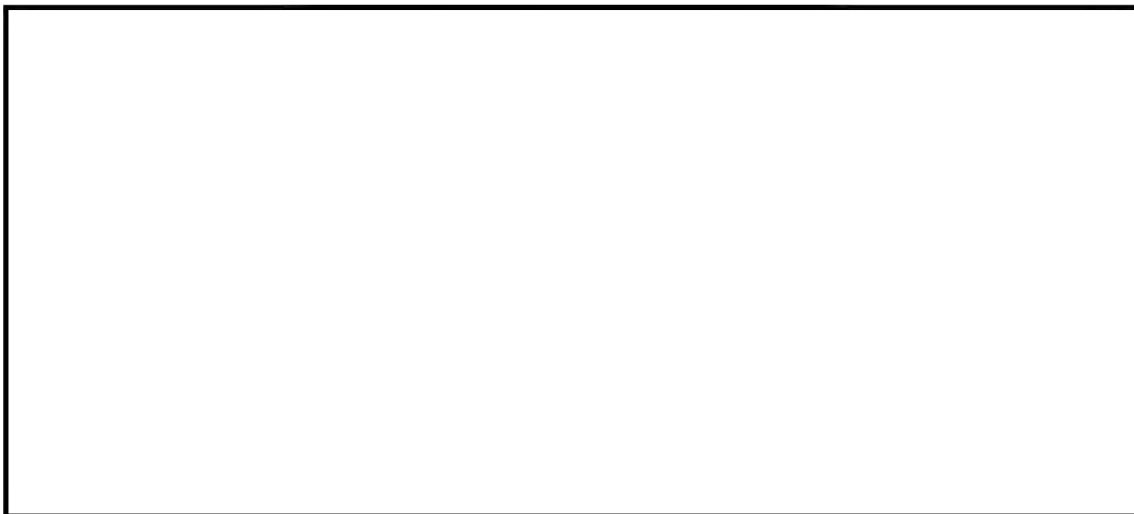
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[REDACTED]



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10.4. [REDACTED]

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**10.5. Designees**

(U//FOUO) The FBI SAC and the CFP may agree to designate particular individuals at the supervisory level in their respective offices to carry out the approval functions assigned to them. However, this FBI policy provides that the SAC may not [REDACTED] approval authority to any position lower than ASAC.

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**10.6. Emergency Authorization**

(U//FOUO) In exceptional circumstances, the SAC [REDACTED] and the [REDACTED] without complying with the documentation requirements when they determine that a highly significant and unanticipated investigative opportunity would be lost were the time taken to comply with these requirements. In such an event, the documentation requirements, as well as written justification for the oral authorization, shall be completed [REDACTED] or as soon as practicable, of the oral approval and maintained in the CHS's file.

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10.7. [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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### 10.10. Renewal and Expansion of Authorization

(U//FOUO) If the FBI seeks to [redacted] for an additional time after the expiration of the authorized time period or after revocation of authorization, or if the FBI seeks to expand the scope of any CHS's [redacted] then the FBI shall document the circumstances of the renewal and/or expansion and must seek the appropriate level of [redacted] See Section 10.2, Authorization Requirements.

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### 10.11. Record Keeping Procedures

(U//FOUO) The FBI shall [redacted]  
[redacted] (Although the AGGs CHS  
[redacted] tracked and reported annually to  
DOJ.) FOs shall [redacted] in a separate sub-file for more accurate  
accounting measures. FOs should be prepared to provide such information upon request.

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(U//FOUO) At the end of each calendar year, the FBI shall report to the AAG of the Criminal Division and the NSD the total number of times each FBI FO authorized a CHS [redacted] the overall nationwide totals.

(U//FOUO) If requested, the FBI shall provide to the AAG of the Criminal or NSD a copy of any written authorization, finding, or instruction [redacted]

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[Redacted]

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**11.1. Requirements**

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[Redacted]

**11.1.1. Field Office**

(U//FOUO) SSA approval for the initiation and continuation of [Redacted]  
[Redacted] must be obtained and documented in the CHS's main  
file.

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[Redacted]

**11.1.2. Substantive Unit**

(S)

[Redacted]

(U)

~~(S)~~/NF) If the Legat has questions or concerns about the contact, the substantive unit must coordinate between the FO and the Legat to address the concerns. Also, the substantive unit must obtain FBIHQ approval, as required. The substantive unit shall advise the FO when all appropriate approvals are obtained and notifications/concurrences are complete.

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**11.1.3. Legat [Redacted] Notification**

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[Redacted]

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### 11.1.4. Documentation

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~~(S//FOUO)~~ Substantive unit and Legat approvals [redacted] notifications as required must be documented. All [redacted] to and from the CHS must be placed in the CHS's main file. Any intelligence information within [redacted] must be reported in a manner that does not tend to identify the CHS and placed into the appropriate sub file.

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### 11.1.5. Security

(U//FOUO) When [redacted] with a CHS, consideration should be given [redacted] to the extent possible through the use of [redacted]. Additional guidance can be provided by the substantive divisions or through the [redacted] at FBIHQ.

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## **12. Domestic Travel**

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(U//FOUO) The SAC or designee may authorize operational travel between FOs by a CHS with the concurrence of the SAC or designee of the FO covering the location to be visited. The concurrences of all relevant FOs should be documented in the CHS's main file.

13. Operational Travel

[REDACTED]

[REDACTED]

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[REDACTED]

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(U//FOUO) The DOJ and FBI are currently revising all [REDACTED]  
When these new AGGs CHS become available, they will be included in the Manual as

[REDACTED]

## 14. Joint Operation with Federal, State, Local and Tribal Agencies

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### 14.1. Primary Responsibility

(U//FOUO) CHSs may be worked with any other government agency or with another FBI FO (see Section 15, Dissemination and Disclosure of the CHS's Identity). If the FBI is directing the CHS or if the CHS is primarily supporting an FBI investigation, the operation of and information from the CHS must comply with FBI instructions and be subjected to the FBI validation process.

(U//FOUO) FBI Agents have the primary responsibility for the operation of an FBI CHS, unless control of the CHS has been turned over to another agency for [REDACTED]

[REDACTED] Factors to consider to determine whether the FBI has control of a CHS are as follows: whether the FBI or other agency serves as the CHS's primary point of contact while outside the United States; the degree of contact the CHS maintains with the FBI; whether the FBI pays for the travel or related expenses; whether the FBI is directly tasking the CHS; and whether the particular operation of the CHS primarily supports a specific FBI investigation. [REDACTED]

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[REDACTED]

(U//FOUO) If the CA is unavailable, either the CA, Co-CA, or the SSA may designate, on a temporary basis, another SA to handle CHS operation and administration. Ultimately, the CA is responsible for the maintenance and accuracy of the CHS's file. Originals or copies of all records available to the FBI regarding CHS reporting, payments, and administrative matters must be maintained in FBI files. The CA must make reasonable efforts to determine whether the CHS was paid by any other agency.

### 14.2. Joint Operations [REDACTED]

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(U//FOUO) For joint operations [REDACTED] see the [REDACTED]  
[REDACTED]

### 14.3. Joint Operations with Multiple FBI FOs

(U//FOUO) A CHS may work jointly with two or more FBI FOs. If the CHS resides, moves, or works in another FO's territory, then the CHS must have documented concurrence from all of the involved FOs' SACs or designee. The Office of Origin (OO) must notify the other FO of the CHS's opening and the area of anticipated reporting. The CA and Co-CA may be located in different offices. The OO is responsible for maintaining the file and, if jointly operated, the other office must designate copies of all reports of information received from the CHS, as well as any required documentation (e.g., payment information and receipts), to the OO file. Similarly, both offices must keep the other apprised of information impacting the FO's investigative programs, as well as



any change in the status of the CHS. To make payments to the CHS being operated by another FO, see Section 17.10., Payments to CHSs by Other Field Offices.

#### **14.4. TFO as Co-Case Agent**

(U//FOUO) The SSA of the OO may authorize an official from an outside agency who has been detailed to an FBI task force to act as a Co-CA. A TFO, however, may not be a CA. In those instances in which a CHS is referred to the FBI by a TFO, that fact must be indicated in the CHS's opening communication.

(U//FOUO) TFOs that have been authorized to act as a Co-CA may be present at CHS debriefings, may be present when payments are made to the CHS, and may have access to the CHS's file. A non-FBI Co-CA may meet with a CHS without being accompanied by an FBI Agent, provided that each such contact is fully documented by the TFO and placed in the CHS's file. However, an FBI Agent must witness all CHS payments that derive from FBI funds. Pursuant to the AGGs CHS, instructions (see Section 4, Instructions) must be completed by at least one FBI Agent.

#### **14.5. TFO Co-Case Agent Responsibilities**

(U//FOUO) Any TFO who has been designated as a Co-CA must be advised of and follow all relevant FBI policies regarding the development and operation of FBI CHSs as described in this manual.

## 15. Dissemination and Disclosure of the Confidential Human Source's Identity

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### 15.1. Policy

(U//FOUO) Protection of a CHS's identity is of primary importance and disclosure should only be approved when it is absolutely necessary to achieve important investigative, public policy, and safety goals. FBI policy requires that the CHS's identity and relationship with the FBI be protected from disclosure except to those who need to know this information in order to carry out their official duties and except as legally required. This policy is firmly recognized in federal law and the FBI will do everything within its lawful authority to enforce the policy.

#### 15.1.1. Approvals for Disclosure of a Confidential Human Source's Identity

(U//FOUO) SAC approval is required to disclose the identity of a CHS.

(U//FOUO) Notwithstanding any other provision, SAC approval is not required for:

- FBI SAs to disclose the identity of the CHS to other FBI SAs who have a need-to-know
- DOJ personnel to make appropriate disclosures when the CHS has agreed to testify in a grand jury or judicial proceeding
- Any DOJ personnel, which includes FBI employees, to disclose the identity of the CHS when required by court order, law, regulation, the AGGs CHS, or other DOJ policies

(U//FOUO) For the purposes of this section, SAC authority to disclose the identity of a CHS may be accomplished through the delegation of authority to an SSA to approve operational or administrative requests that by their very nature require disclosure of a CHS's identity (e.g., [REDACTED])

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[REDACTED] Approval of operational or administrative requests also serves as documentation of authorization to disclose the CHS's identity, and no separate documentation is required.

(U//FOUO) Disclosures to anyone not included in the above operational or administrative approvals require prior SAC approval. Approvals must be documented in the CHS's main file.

(U//FOUO) No one to whom disclosure has been made is authorized to make further disclosures of the CHS's identity except when required by court order, law, regulation, AGGs CHS, or other DOJ policies.

(U//FOUO) Anyone making a disclosure has the responsibility to advise the recipient of the information that further disclosures or contact with the CHS is not authorized without the expressed consent of the FBI.

### **15.2. Required Disclosure to an FPO**

(U//FOUO) If the FBI presents a case for prosecution and a CHS is expected to or may testify, the SA must reveal the identity of the CHS to the prosecutor. Pursuant to the AGGs CHS, FPOs must coordinate with the handling agent of the CHS in order to obtain SAC approval prior to revealing the identity of the CHS to any additional third party unless otherwise required by law or policy.

### **15.3. Responding to Requests from FPOs**

(U//FOUO) In any criminal matter arising under, or related to, the AGGs, upon request by an appropriate FPO Attorney, the FBI shall promptly provide the FPO Attorney all relevant information concerning the CHS, including whether he/she is a current or former CHS for the FBI.

(U//FOUO) If the FBI SAC has any objection to providing such information, see Section 9.7.7., Responding to Requests from FPO Attorneys Regarding a CHS and Section 9.7.8., Exceptions to the Special Notifications Requirements.

### **15.4. Record of Information Dissemination or Disclosure of Identity**

(U//FOUO) Identifying information about a CHS shall not be disclosed without proper approvals or as required by law. Potentially identifying information or identifiers shall be redacted if contained on a document that is disseminated, unless disclosure of the dissemination is approved.

(U//FOUO) A record of the dissemination of any CHS reporting should be maintained in the CHS's file to include the name of the person or agency to which the information was disclosed and a description of the information disclosed. This documentation may be completed on a statistical accomplishment form noting the file and serial number of the disseminated information or description of the information that was disclosed. If an Intelligence Information Report (IIR) was disseminated, then the IIR number alone will suffice. Dissemination of reporting information is encouraged and should be made to law enforcement, IC, or tribal authorities with proper clearance and a need-to-know.

(U//FOUO) The fact that the CHS's reporting was utilized in a court document must be documented. If the CHS testified in a court proceeding, this fact must also be documented. A statistical accomplishment form may be used to document this fact. If a statistical accomplishment form is used, then no other form of documentation would be required.

### **15.5. Legally Required Disclosure**

(U//FOUO) All DOJ personnel must disclose the identity of a CHS, and the information that the CHS has provided, when required by court order, law, regulation, AGGs CHS, or other DOJ policies. DOJ personnel may make appropriate disclosures when the CHS has agreed to testify in a grand jury or judicial proceeding. If time permits, in response to any subpoena, court order, or request bearing on the identification of a CHS or the production of any part of a CHS's file, the SAC may seek to determine whether an attempt should be

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made to assert appropriate administrative or legal objections to the request, demand, or order. In matters involving national security and other situations as appropriate, a request may be made to have the CHS's file reviewed in camera by a judge. In certain circumstances, the FBI may refuse disclosure of either the CHS's identity or information provided by the CHS. Such an action could result in the dismissal of the pending prosecution and must be coordinated with appropriate officials from the FPO. Any decision to withhold CHS information shall be coordinated with the appropriate FPO and decisions must be documented in the CHS's main file.

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## 16. Administration of Confidential Human Sources

16.1. [REDACTED]

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### 16.2. Files

(U//FOUO) The [REDACTED]

in the CHS's main file. [REDACTED]

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[REDACTED] Information not reported on an FBI form or that cannot be uploaded should be placed into [REDACTED]

[REDACTED] Documents containing [REDACTED] must be filed in the [REDACTED] copies filed in the appropriate [REDACTED] if necessary.

(U//FOUO) CHS files have been designated by the National Archives and Records Administration for permanent retention. Therefore, records relating to CHSs cannot be deleted or destroyed. Additional guidance or information regarding the retention of these records can be obtained from [REDACTED]

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16.3. [REDACTED]

(U//FOUO) [REDACTED] or has intelligence value, whether received orally or otherwise. [REDACTED] from the CHS's [REDACTED] CHS (e.g., [REDACTED] Examples of personal information include the CHS's [REDACTED]

(U//FOUO) If information provided by the CHS is intelligence or is testimonial in nature, it must be reported on a CHS [REDACTED]

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[REDACTED] CHS reporting documents [REDACTED] CHS reporting documents shall be appropriately classified and filed in the CHS's sub-file and appropriate substantive case files.

(U//FOUO) Information not obtained from the CHS's reporting (e.g., Agent observations, taskings, disclosures of information to the CHS) must be documented on a [REDACTED] in the CHS's file.

(U//FOUO) All FBI personnel must exercise due diligence to avoid disclosing information to a CHS other than what is necessary and appropriate for operational

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reasons. If it is operationally necessary to disclose confidential investigative information to a CHS, then a [REDACTED] shall be used to document the information that is disclosed. Contact report forms must be filed in the [REDACTED]

### 16.4. Co-Case Agent Responsibilities

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(U//FOUO) SAs that have been authorized to act as a Co-CA [REDACTED]

[REDACTED] may complete all other administrative duties for the CHS, and may [REDACTED]

[REDACTED] The Co-CA may meet with a CHS [REDACTED]

FBI SAs who serve as Co-CAs have all the same duties and responsibilities as the CA.

### 16.5. Responsibility for Confidential Human Source Debriefing

(U//FOUO) Responsibility for handling and debriefing FBI CHSs, gathering evidence and intelligence from CHSs, and generating documents based on those activities is the FBI's CA responsibility. However, there may be times when the CA is unavailable to attend debriefings, etc. of the CHS. Therefore, the Co-CA, TFOs, and Agents/officers from other government agencies that may be operating the CHS jointly with the CA may debrief the CHS and report on the information obtained. Generally, analysts who participate in debriefings should not be put into positions that cause them to be the primary or only alternate fact witness concerning the information generated from the CHS.

### 16.6. [REDACTED]

(U//FOUO) CAs must assign [REDACTED]

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[REDACTED] within the FO. The [REDACTED]

The assignment of the [REDACTED] must be documented in the CHS's main file. It should not appear in any disseminable document except for communications to DOJ.

### 16.7. [REDACTED]

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### 16.8. Setting Leads

(U//FOUO) Any leads concerning a CHS to be set to substantive units other than the [REDACTED]

[REDACTED] must be sent using a substantive case file number and [REDACTED]

[REDACTED] If there is no substantive case file number or if the communication contains information which identifies the CHS, in those limited instances, the [REDACTED]

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[REDACTED] Leads for payment requests should be sent to specific personnel within the budget section of the substantive unit. These payment requests may use the CHS's file number, and the budget unit personnel may be granted access to the CHS's file for approval purposes.

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### 16.9. Quarterly SSA Source Report Reviews

(U//FOUO) Only SSAs conduct QSSR reviews of all CHS files assigned to Agents under their supervision every 90 days. QSSR review responsibilities may not be delegated to non-Agent personnel. These reviews must be documented in the CHS's file by the reviewing SSA. An acting SSA (A/SSA) may conduct file reviews in the absence of an SSA. However, during the acting period, an ASAC must conduct the file reviews of the A/SSA's own CHSs.

(U//FOUO) When conducting file reviews, SSAs shall ensure required information, requests, and database checks are filed as required at opening, at 90 days from opening, annually, and any other appropriate time. SSAs shall ensure that instructions are documented and are timely, early approval and [REDACTED] are properly authorized, FBIHQ notifications are made as appropriate, and AUSA concurrences are provided if appropriate. Also, particular attention should be given to any CHS who is paid [REDACTED] or has engaged in unauthorized illegal activity. SSAs shall document financial audit information for each payment (see Section 17.7., SSA Financial Audit of Payments). SSAs shall ensure that payments are approved and commensurate with the value of the information being provided. SSAs should determine that statistical accomplishments are appropriately claimed, and that dissemination of a CHS's information or identity is appropriately documented. SSAs shall review CHS information used in support [REDACTED] Title IIIs, search warrants, affidavits, etc. SSAs shall ensure that approvals [REDACTED] appropriately documented. Documentation of approvals from FPO, DOJ/OEO, Legat, and CIA as required shall be reviewed. SSAs shall close the CHS if an application was not made to legalize immigration status within 90 days of opening. Furthermore, the SSAs shall ensure that proper [REDACTED] SSAs shall ensure compliance with the AGGs.

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### 16.10. [REDACTED]

(U//FOUO) Queries of [REDACTED]  
[REDACTED] The fact that these queries were conducted shall be noted on the FOASR. Other [REDACTED] should be conducted annually if applicable to the CHS's situation. Derogatory information obtained must be documented in the CHS's file.

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### 16.11. [REDACTED]

(U//FOUO) Physical possession of a CHS's original file is never to be transferred to any individual outside the FBI [REDACTED]

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(U//FOUO) Should FBIHQ or a FO require another FO's original CHS file, in whole or in part, with SAC approval [REDACTED] for shipping classified FBI information.

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### 16.12. Requirements for Re-Openings

(U//FOUO) In order to re-open a CHS who has been previously closed, the FO must generate a new opening communication with all updated information normally required at opening. The [REDACTED] The opening communication must include all required [REDACTED] were being opened for the first time. The opening communication must indicate that the individual is being re-opened and include an explanation of the reason the CHS was previously closed. Other required checks must be completed within the first 90 days as required with an initial opening.

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(U//FOUO) Approval levels to re-open the CHS are the same as when the CHS was originally opened, unless the CHS was closed for cause (see Section 19, Closing a CHS) or if the CHS's status has changed such that additional approval is required (i.e., [REDACTED])

### 16.13. Closed Confidential Human Sources Re-Opened by Another FO

(U//FOUO) When a closed CHS from one FO is re-opened in another FO, the previous OO will furnish the new OO with copies of any documents in the file that are not available electronically. A copy of the entire file would be sent to the new OO upon request. Any information that reflects negatively upon the reliability of the CHS must be promptly furnished to the FO operating the CHS.

### 16.14. Undisclosed Participation (UDP)

(U//FOUO) [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

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(U//FOUO) [REDACTED]

[REDACTED]

(U//FOUO) [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

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- [REDACTED]
- [REDACTED]
- [REDACTED]

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### 16.14.1. Levels of Approval

#### 16.14.1.1. SAC Approval with CDC Review

(U//FOUO) [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

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#### 16.14.1.2. Substantive AD Approval with OGC Review

(U//FOUO) [REDACTED]

[REDACTED]

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#### 16.14.1.3. Director Approval

(U//FOUO) [REDACTED]

[REDACTED]

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[REDACTED]

**16.14.2. [REDACTED] and FBIHQ Determinations**

(U//FOUO) [REDACTED]

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[REDACTED]

**16.15. [REDACTED]**

(U//FOUO) [REDACTED]

may open and operate CHSs as permitted by [REDACTED]

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[REDACTED]

(U//FOUO) [REDACTED]

[REDACTED]

**16.15.1 [REDACTED]**

(U//FOUO) Approval levels for [REDACTED] are as follows: where this manual calls for SSA approval, the Unit Chief at [REDACTED] responsible for that [REDACTED] is the appropriate approving official; ASAC approval may be obtained from the Section Chief at [REDACTED] and SAC approvals may be obtained from the AD at [REDACTED]. In addition:

- [REDACTED]
- [REDACTED]
- [REDACTED]

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- Where CDC consultation is required (e.g., the operation of a Privileged CHS), [REDACTED] shall consult with OGC, FBIHQ.
- As consistent with this Manual approval authorities may be delegated unless otherwise stated and approvals may be provided by those in an acting capacity or by any above-ranking official.

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16.16.

Confidential Human Sources

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## 17. Payments to Confidential Human Sources

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(U//FOUO) The FBI may pay CHSs for services and expenses, including those for CHSs [REDACTED] This policy dictates the use of CHS funds. For case fund expenditures, contact the substantive unit. CHS payments shall be subject to the FBI's audit procedures.

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(U//FOUO) CHS payment documentation may be filed in the main file or in a [REDACTED] [REDACTED] However, documents containing the [REDACTED] (Redacted copies may be filed in other sub-files.)

### 17.1. Confidential Human Sources Funding and Spending Authority

(U//FOUO) SAC's payment authority per CHS is automatically renewed [REDACTED] the beginning of each FY. In the event the SAC's annual payment authority [REDACTED] is expended, the FO may request additional payment authority [REDACTED] Requests must be submitted to the attention of [REDACTED] evaluates the request in coordination with the FBIHQ substantive unit. Such requests may [REDACTED] when operational considerations necessitate. In these situations, the request must set forth adequate justification for the enhanced spending authority. The communication must include:

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- [REDACTED]
- The dollar amount of the additional payment authority requested
- Supporting justification

### 17.2. Prohibitions

(U//FOUO) Under no circumstances shall any payments to a CHS be contingent upon the conviction or punishment of any individual.

(U//FOUO) In determining the way to classify a particular payment as a service or an expense to a CHS, the CA should not consider whether or not that classification might result in a basis for an impeachment at trial.

### 17.3. Services vs. Expenses

(U//FOUO) The payment request must distinguish between payments for services and expenses. Payment for services shall not be characterized or submitted as a payment for expenses and vice versa.

#### 17.3.1. Services

(U//FOUO) Payments to CHSs shall be commensurate with the value of services rendered by gathering information or by their active involvement in FBI investigations. CHSs must be advised that such payments are considered taxable compensation by the

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<sup>13</sup>(U) These threshold amounts and approval authorities may be reviewed periodically and amended as deemed appropriate by the FBI Director.

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Internal Revenue Service (IRS). Therefore, the FBI has an obligation to report such compensation payments, upon request by the IRS, for income tax purposes. All CHS payments for services should be made after the services have been rendered.

(U//FOUO) The CHS may pay his/her own personal expenses, which are not directly in support of an FBI investigation, out of funds received for services. However, such personal expenses unrelated to the CHS's cooperation with the FBI may not be used to justify service payments.

### 17.3.2. Expenses

(U//FOUO) The FBI's reimbursement of expenses incurred by a CHS shall be based on the actual expenses incurred, except that relocation expenses may be based on the estimate of the expenses (see Section 17.18, Relocation). A CHS expense is a reasonable cost incurred due to the CHS's support of an authorized investigative or intelligence matter and for which the FBI and/or U.S. Government primarily benefits. Examples of such expenditures include [REDACTED]

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[REDACTED] at the FBI's request. The CA shall reasonably determine the amount of the expenses. Vendor receipts, copies, or the CHS's explanation for the absence of receipts shall be obtained.

(U//FOUO) CHS funds may be used for reasonable expenditures in support of the CHS's activities in investigations. The FO shall ensure that the amount reimbursed or paid for such expenses is reasonably justified based on the use or need related to the investigation.

(U//FOUO) Although [REDACTED] when it is deemed to be cost effective and operationally justifiable. FOs shall pay the funds to the CHS and the CHS shall [REDACTED] in the CHS's own name. The SAC and CDC must approve of such a purchase.

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(U//FOUO) If it is necessary for a CHS to have [REDACTED] of an FBI investigation [REDACTED] official use and in furtherance of an FBI investigation, the CHS [REDACTED] This rental may be reimbursed from CHS funds as an expense. If the CHS does not have funds for the rental, an advance of funds can be given to the CHS. Upon receipt of the rental receipt, the FBI may reimburse the CHS for the expense or, if an advance was paid, reconcile the advance with the draft office.

(U//FOUO) The FBI may reimburse a CHS for the basic maintenance of a vehicle (e.g., oil changes, tire replacement) to the extent reasonably proportionate to the vehicle's use in furtherance of an FBI investigation. These reimbursements must be reflected as an expense.

(U//FOUO) If a CHS incurs [REDACTED] as a direct result of his/her cooperation with the FBI (e.g., [REDACTED]) the costs are reimbursable to the CHS upon receipt of the [REDACTED] These reimbursements would

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be classified as CHS expenses. Generally, treatment for any [REDACTED]  
[REDACTED]  
[REDACTED] etc., are not reimbursable. However, if it is in the FBI's best interest in order to further an ongoing investigation, [REDACTED] can be paid with FBIHQ approval through both [REDACTED] and OGC.

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(U//FOUO) [REDACTED]  
[REDACTED]

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(U//FOUO) For the use of CHS funds for the expense of [REDACTED]  
[REDACTED] case law has held that inducements to government witnesses may compromise a defendant's right to a fair trial. Therefore, FOs shall ensure that the government obtains the primary benefit and that reimbursements are not excessive.

(U//FOUO) CHS funds may be used to [REDACTED]  
[REDACTED] for operational use. The CHS may retain the property if the value has diminished over the duration of the investigation to approximately [REDACTED]. If the value exceeds this amount, the property should be recovered and inventoried or the CHS may keep the [REDACTED] and the remaining value must be considered a service payment and be documented as such.

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### 17.4. Payment Request and Approvals

(U//FOUO) If an FPO Attorney is participating in the conduct of an investigation or prosecution that is utilizing a CHS who is expected to testify, the FBI shall coordinate with the FPO Attorney, in advance if practicable, the payment of monies to the CHS. This can be done by obtaining the FPO's approval for a potential range of aggregate CHS payments which could be made for the duration of an investigation. If the payment is for services and the FPO Attorney objects, then no payment can be made until the dispute has been resolved through appropriate channels (see Section 20, Exceptions and Dispute Resolution, which requires that the outcome of the dispute resolution be documented in the CHS's main file).

(U//FOUO) An SAC or ASAC can approve CHS cumulative payments up to [REDACTED] per CHS per Fiscal Year (FY). To exceed [REDACTED] the FO must request approval from [REDACTED] (which coordinates with the substantive unit for final approval).

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(U//FOUO) Payments to CHSs are requested by [REDACTED]  
[REDACTED]

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- The substantive case title(s) and file number(s) for which the CHS provided the information
- The date the CHS file was opened and/or re-opened
- The total amount previously paid to the CHS during the current FY
- The total payment history that includes the total amount previously paid to the CHS by any FO of the FBI (aggregate total). If the CHS was re-opened, then include the total amount of payments as of the prior closing date(s).
- The total amount of this payment request. Payment requests for services and expenses may be included on the same draft request, although the amount for each must be specified (services vs. expenses). If a CHS is to be paid for [REDACTED] [REDACTED] the SA must specify payment amounts (services vs. expenses) allotted for each program in the cover communication (e.g., [REDACTED] [REDACTED])
- A [REDACTED] for the requested payment
- [REDACTED] pertinent to the payment request

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(U//FOUO) Vendor receipts for any CHS expense are to be obtained whenever feasible and must be attached as supporting documentation to the draft request. Exceptions include instances when requesting a receipt from the vendor would endanger the CHS or disclose the CHS's relationship with the FBI.

(U//FOUO) If an original vendor receipt cannot be attached to the draft request because it reflects the CHS's true name, the Agent must attach a copy of the receipt with the CHS's name redacted. The original vendor receipt with the CHS's true name shall be maintained in the CHS's main file.

(U//FOUO) If an original vendor receipt cannot be attached, a copy is sufficient. The copy must be maintained in the CHS's main file. Additional copies may be made as necessary to attach to the draft request.

(U//FOUO) If, for any reason, it is not possible to obtain either an original or a copy of a vendor receipt, the CA must submit a statement that the CHS advised him/her of the amount spent, note the date(s) and the reason(s) the original receipt could not be provided, and the reasonableness of the expense. For further guidance, contact [REDACTED]

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(U//FOUO) Original receipts must be maintained in the CHS's file. Copies of the receipts can be maintained in the draft office, if necessary. Before submitting the receipt, the CA must write the CHS's file number on the receipt. If the receipt bears the true name of the CHS, a redacted copy shall be submitted to the draft office with the original filed in the CHS's main file.

### 17.5. Paying a Confidential Human Source

(U//FOUO) After obtaining approvals outlined in the Payment Request and Approvals section above (17.4.), the CA, or any FBI Agent, obtains a payment check from the draft

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office. The SA may cash the check or otherwise convert it to another form of payment to provide to the CHS. [REDACTED]

[REDACTED] In the event of extraordinary circumstances, which must be documented in the CHS's file, [REDACTED] The SAC must provide prior approval whenever feasible. If the SAC approval could not be obtained prior to the payment, then the SAC must be notified as soon as possible thereafter. The approval or notification must be documented in the CHS's file. Such waivers must be payment specific, rarely granted, and must be the exception rather than the rule. Also, in extenuating circumstances, the SAC may approve payments that are not [REDACTED]

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[REDACTED] FBI Agent and another government official, and the CHS's [REDACTED] in the CHS's file.

(U//FOUO) The CHS [REDACTED]

(U//FOUO) All CHSs who are required to pay U.S. taxes and who receive compensation from the FBI for their services must be advised that such compensation must be reported as income by them when filing federal income tax forms or other appropriate tax forms. (Complete details of any problems the CHS has encountered with the taxing authorities in relation to CHS payments should be promptly furnished to the substantive unit and [REDACTED])

(U//FOUO) The CHS's [REDACTED]

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[REDACTED] The receipt must be maintained in the CHS's file.

(U//FOUO) If it becomes necessary to [REDACTED]

### 17.6. Advance Expense Payments

(U//FOUO) The SAC may approve advance payments to a CHS for up to [REDACTED] payment for expenses totaling no more than [REDACTED] FY. In situations where a CHS incurs expenses in connection with his/her operation or in order to obtain information for the FBI, such as [REDACTED] the SAC may authorize payments in advance for these expenses prior to the expenses actually being incurred by the CHS. When funds are advanced in this manner, the FO must ensure that: 1) the actual expenses incurred by the CHS are supported with vendor receipts or, in rare instances where the receipts cannot be obtained, a CA statement as to the reasonableness of the expense and the reason given by the CHS for his/her inability to provide receipts; and 2) the actual expenses are reconciled with the advance of funds. After the CHS submits the vendor receipts and any unused funds, the CHS must sign a second receipt that reflects the actual amount spent and any funds returned by the CHS to the CA.

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### 17.7. SSA Financial Audit of Payments

(U//FOUO) At every QSSR review, the SSA shall ensure that the following requirements for paying a CHS have been completed:

- Receipt must be signed by the paying FBI Agent and witnessed by an additional government official. SAC approval or notification to waive the witness requirement must be filed if no witness was present.
- The receipt must be signed and dated by the CHS.
- The period covered must be indicated on the receipt.
- The receipt must classify the type of expenditure as services or expenses.
- The payment request may contain more than one program; however, the request must state the amount attributed to each program, i.e., Criminal, Cyber, Counterterrorism, or Counterintelligence.

Approval for the payment to the CHS must be documented.

### 17.8. [REDACTED]

(U//FOUO) A [REDACTED] may be utilized in circumstances in which a CHS is providing valuable information and services on a regular, predictable basis. [REDACTED] for the CHS. The amount of the payment must be based on the value of the services and information being provided by the CHS. [REDACTED] between the FBI [REDACTED] Payments may be made with the approved [REDACTED] attached to the draft request. Approved [REDACTED] justify each payment made without the need to comply with the detailed requirements in the Payment Request and Approvals section of this Manual (see Section 17.4., Payment Request and Approvals). SSAs are required to ensure that cooperation provided by the CHS warrants the payment.

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(U//FOUO) [REDACTED] are usually appropriate when a CHS's cooperation [REDACTED] are established. In the event the services and information provided by a CHS are so critical and valuable that the FBI requires the CHS to [REDACTED] the CHS's previous income can be used to justify the amount [REDACTED] Proof of income must be provided to support a [REDACTED] Payment for services as documented in the [REDACTED] is contingent on the CHS's performance. If the CHS fails to provide services and/or information warranting the amount of payment, the [REDACTED] may be discontinued at the FO's discretion.

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(U//FOUO) [REDACTED] are usually appropriate when the FBI [REDACTED] These [REDACTED] both parties and may be used whether or not the individual is a CHS.

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(U//FOUO) Consultation with the CDC, [redacted] the appropriate substantive unit at FBIHQ, the FPO participating in the operation of the CHS, if applicable, and either the [redacted] or the [redacted] is recommended to determine whether a [redacted] is appropriate in a given case. FOs should consider that PSAs/Contracts may preclude the [redacted] at the conclusion of the investigation. [redacted] approved by the ASAC or above. All [redacted] must be submitted to [redacted] will coordinate approval with the appropriate substantive unit and FBIHQ's Finance Division/Procurement Section.

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### 17.9. Lump-Sum Payments

(U//FOUO) Lump-sum payments may be paid from FBIHQ's budget (coordinated through the budget unit of the appropriate substantive division) or the FO's budget (subject to the FO spending authority not to exceed [redacted] per CHS per FY). A FO may request a lump-sum payment for a CHS at the conclusion of any investigation in which the CHS has made significant contributions to FBI investigative matters and has not previously been compensated for those contributions. Such requests must be approved by the ASAC and submitted to [redacted] attention.

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(U//FOUO) Each funding request concerning any investigative program would be considered strictly on the merits of the case and the significance of the CHS's contributions to that investigation. The following issues must be addressed in any request for a lump sum payment:

- Title and character of the case to which the CHS contributed information
- Significance of the investigation
- Justification for lump-sum payment (must be for assistance not previously compensated)
- [redacted] attributed to the CHS's information or assistance and supporting the lump-sum payment
- Whether the CHS suffered any financial loss (not previously compensated) as a result of his/her cooperation
- Total amount of services and total amount of expenses paid to the CHS
- If the CHS is to testify or has testified, state whether the assigned FPO concurs with the payment.
- Value of seized or forfeited property obtained as a result of his/her cooperation and whether the CHS has received or would be nominated for an award or nominated for a payment resulting from forfeited assets
- Whether the CHS has or will receive any payment for services or expenses from any other law enforcement agency(s) in connection with the information or services that he/she provided to the FBI

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### 17.10. Payments to Confidential Human Sources by Other Field Offices

(U//FOUO) To ensure aggregate payments do not exceed payment authority, all payments to a CHS by another FO must be coordinated with the OO. The payment may be made by either another FO or OO. However, payment authority always remains the responsibility of the OO.

#### 17.11. [REDACTED]

(U//FOUO) In limited circumstances, with written SAC approval [REDACTED] attached to the approved payment request and purchase of the [REDACTED] must be charged to the file number of the CHS as a payment for services. The Agent and a witness must document that the [REDACTED]

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### 17.12. Rewards

(U//FOUO) CHSs may accept rewards offered as a result of their assistance. Rewards shall be commensurate with the value of the CHS's information or assistance. SAC approval is required to disclose the CHS's identity. If it is necessary for an Agent to receive the reward on behalf of the CHS in order to protect the CHS's identity, the Agent shall document the receipt of the reward and release the reward to the CHS. The Agent's release of the reward to the CHS shall be witnessed, and the CHS shall sign a receipt, as with any other payment. SAC or designee approval is necessary before participating in such receipt of rewards.

### 17.13. Forfeiture Awards

(U//FOUO) A CHS may receive an award from a forfeiture even if he/she has already been compensated for an action or for providing information which led to the forfeiture. However, any such award shall be offset by any previous payments for information or assistance which led to the seizure, excluding expense payments.

(U//FOUO) A CHS may receive compensation up to [REDACTED]

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(U//FOUO) If an award from a forfeiture is requested for a CHS, the FO must submit a communication to [REDACTED] upon receipt of the final order of forfeiture and prior to any equitable sharing [REDACTED] then coordinates the approval of the request with the Forfeiture and Seized Property Unit, FD and also prepares the approval communication and coordinates the necessary transfer of funding.

(U//FOUO) The communication must be submitted to [REDACTED] under the CHS number and request approval of a forfeiture award. The communication must include the following:

- Approval by an SAC or ASAC
- A copy of the final order of forfeiture

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- If applicable, the name and opinion of the AUSA involved in the operation of the CHS regarding payment to the CHS with forfeited proceeds
- Total value of the forfeited property
- Amount of actual cash or residual proceeds
- Percentage of equitable sharing (the percentage of sharing is based on the remaining funds after all expenses have been deducted to include forfeiture awards)
- A detailed justification for the payment of an award including the information or assistance provided by the CHS which directly resulted in the seizure/forfeiture of the property
- Verification that the USMS has been notified of the FBI's intent to pay an award on the forfeited property (the forfeiture personnel in a FO are responsible for forwarding a communication to the USMS documenting the FBI's intent to pay an award based on the forfeiture and checking the award block on the sharing forms [DAG 72, Block F])
- State the total amount of services and total amount of expenses paid to the CHS for the FY in which the property was seized or forfeited
- Verification that the CHS has not been previously compensated for the information or assistance which led to the seizure/forfeiture of the property for which the award is being sought, or if prior payments have been made for such information or assistance, identify such payments

(U//FOUO) If the forfeited property is being placed into official use, the appraised value would be used to determine the award. All other property must be sold and the proceeds deposited by the USMS prior to a determination of the award amount.

### 17.14. [REDACTED]

(U) FBIHQ authority may be granted for a CHS to be compensated for services and expenses with [REDACTED] provided that all operational costs have been covered. Upon ASAC approval and concurrence of the FPO Attorney involved in the operation of the CHS, if applicable, FOs must submit a communication to [REDACTED] stating that all operational costs have been covered [REDACTED] the anticipated amount to be paid to the CHS, the name of the FPO Attorney and opinion, and the length of time for which the authority is being sought. CHSs may be paid [REDACTED] and/or from CHS funds; however [REDACTED]

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### 17.15. [REDACTED]

(U//FOUO) With the exception of funds paid for goods and services rendered in legitimate business transactions, any money or property [REDACTED] must be turned over to the FBI. [REDACTED] Disposition of such funds would be coordinated between the FO and [REDACTED] with [REDACTED]

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program authority over the substantive investigation (also see the NFIPM Section 30-14 for additional guidance).

### 17.16. Payments to a Closed Confidential Human Source

(U//FOUO) Generally, CHSs cannot be paid if they are in a closed status.

(U//FOUO) In the event a one-time only payment must be made to a CHS who has been closed, a request must be approved by the SAC. If more than one payment must be made to a CHS who has been closed, the CHS must be re-opened according to the requirements of Section 2, Opening a CHS, and Section 19.5., Future Contacts with a Closed CHS.

### 17.17. Vehicles

(U//FOUO) CHSs are prohibited [redacted] under which the FBI is obligated. The FBI may pay the reasonable cost of a vehicle [redacted] used to assist the FBI. (See Section 17.3.2., Expenses.) The FBI may reimburse CHSs for reasonable expenses related to the [redacted] On rare occasions, the FBI may pay expenses for the [redacted] The CHS must [redacted] (See Section 17.3.2., Expenses). Prior approval by the SAC (may not be delegated lower than ASAC) and CDC is required and must be documented to the CHS's file for the [redacted] The CHS [redacted] upon completion of operational use only if the value has [redacted] If the value exceeds this amount, the [redacted] and [redacted] must be documented as such. Consultation with the CDC is recommended.

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### 17.18. [redacted]

(U//FOUO) If the CHS or his/her family is in danger because of the CHS's cooperation with the FBI, then the FBI should determine whether the [redacted] (see Section 7.1., Sponsoring a CHS into [redacted])

(U//FOUO) The justification for the [redacted] is the threat resulting from the CHS's cooperation with the FBI. A [redacted]

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as a guide for determining reasonable expenses for lodging, meals, and incidentals; however, these rates are not binding.

(U//FOUO) Payments intended for [REDACTED] require at least three estimates for moving household goods, if necessary. The estimates obtained must be maintained in the CHS's main file. To support the total amount of funds requested, amounts of the estimated costs may [REDACTED]

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[REDACTED] etc. Because the relocation payment is based on an estimation of the actual costs, the CHS is not required to submit receipts for actual costs incurred.

(U//FOUO) While this Manual governs the use of CHS funds, FOs may consider using case funds and should consult with the substantive units.

(U//FOUO) Liability associated with the move and the new location, as well as additional costs, is the responsibility of the CHS. [REDACTED]

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### 17.19. One Time Non-Confidential Human Source Payment

(U//FOUO) With SAC approval, only one payment may be made to any individual who has provided information to the FBI in furtherance of an FBI investigation, but who has never been opened as a CHS for the FBI. The limits and requirements described in this section apply to non-CHS payments. For payments in excess of [REDACTED] a communication requesting the amount desired with justification must be submitted to [REDACTED] for approval. A non-CHS may only be paid for services rendered and/or expenses of that individual as defined above in Section 17.3., Services vs. Expenses. Payments to non-CHSs are charged to the CHS budget using the substantive case file number.

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(U//FOUO) Before approving a payment to a non-CHS, the SAC should weigh the [REDACTED]

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(U//FOUO) Non-CHS payments may not be used for reimbursing expenses of Agents or other law enforcement/intelligence community officials.

(U//FOUO) The FO HSC must open a file dedicated to tracking payments to non-CHSs in order to capture that person's information and to help prevent more than one payment being made to a non-CHS.

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**17.20. Payments to Individuals Who Are Not FBI Confidential Human Sources for**

[redacted]  
(U//FOUO) CHS funds may not be used for [redacted] of individuals who have never been opened as an FBI CHS but who require [redacted] because of their cooperation with the FBI or [redacted] [redacted] Draft requests, payment requests, the [redacted] etc. should not use the term CHS or "non-CHS" when referring to these individuals. Payments to these individuals must be made from the budget of the FO or substantive investigative program.

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## 18. Requirements When a Confidential Human Source is Injured or Killed

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(U//FOUO) When a CHS is seriously injured or killed as a result of his/her cooperation with the FBI, the FO operating the CHS must immediately notify [redacted] and the substantive unit. A communication explaining the details surrounding the incident must be forwarded to both the [redacted] and the substantive unit as soon as possible.

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(U//FOUO) When a CHS is killed as a result of his/her cooperation with the FBI [redacted]



## 19. Closing a Confidential Human Source

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### 19.1. Closing Communication

(U) The list of reasons for closing CHSs is a guide but does not mandate the closing of a CHS under any particular circumstance. When a determination has been made to close a CHS for any reason (see Section 19.2., Coordination with the FPO), a communication documenting the reason for closing must be included in the CHS's main file.

(U) General Reasons for Closing are:

- Confidentiality unintentionally revealed
- Cooperation completed
- Death
- Approval to operate was denied by FBIHQ
- 
- Poor health
- Requested termination
- Transfer of Agent
- Relocated/Unavailable
- Unproductive
- CHS no longer in a position to report

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(U) Upon closing, the CA or Co-CA and one other government official (one person present must be an FBI Agent)  that

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witnessed by at least one FBI Agent, and one other government official. SSAs must review all closing documentation. Furthermore, if the [REDACTED]

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[REDACTED] (See Section 10.9., Revocation of Authorization.)

### 19.2. Coordination with the FPO

(U) If an FPO Attorney had participated in the conduct of an investigation utilizing a CHS, the CA or Co-CA shall coordinate with the FPO attorney, in advance, whenever possible, regarding any decision to close a CHS.

### 19.3. Delayed Notification

(U) In the event the CA or Co-CA has determined that there is sufficient reason to close a CHS and that providing an [REDACTED]

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[REDACTED] That decision and the reasons supporting it must be documented in the CHS's file.

(U) If an FPO Attorney had participated in the conduct of an investigation utilizing a CHS, the CA or Co-CA shall coordinate with the FPO attorney, in advance, whenever possible, regarding any decision to delay notification of closing to the CHS.

### 19.4. Future Contacts with Closed Confidential Human Sources

(U) Absent exceptional circumstances that are approved by an SSA, in advance whenever possible, an FBI Agent [REDACTED]

[REDACTED] Such approval must be documented in the CHS's main file. Further, if approved, such contact must be coordinated, in advance whenever possible, with an FPO, if any, who is participating in the conduct of an investigation which utilizes that CHS or if the CHS is expected to testify.

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(U) CHSs who were closed, [REDACTED] may be re-contacted without prior approval. New information may be documented to a closed CHS file; however, the CHS should be reopened if the relationship between the FBI and the CHS would be ongoing.

(U) To make payments to a closed CHS, see Section 17.16., Payments to a Closed CHS.

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## 20. Exceptions and Dispute Resolution

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(U//FOUO) As provided by the AGGs CHS, whenever an FBI AD, ADIC, SAC, CFP, or their respective designee(s) believes that extraordinary circumstances exist that warrant an exception to any provision of the AGGs CHS, or whenever there is a dispute between or among entities regarding the AGGs, an exception must be sought from, or the dispute shall be resolved by, the DOJ's AAG for the Criminal Division or the NSD, whichever is appropriate, or his/her designee. Disagreements thereafter shall be resolved by DOJ's DAG, AG, or designee.

(U//FOUO) Whenever there is a dispute with the AAG for either the Criminal Division or NSD of the DOJ, such dispute shall be resolved by the DAG or his/her designee.

(U//FOUO) Any exception granted or dispute resolved pursuant to Section 20, Exceptions and Dispute Resolution, shall be documented in the CHS's main file.

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Appendix A:

(U//FOUO) The DOJ and FBI are currently revising all [REDACTED]  
When these new AGGs CHS become available, they will be contained herein as  
Appendix A.

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(U//FOUO) The administrative requirement to obtain [REDACTED] as

[REDACTED]  
[REDACTED] All other  
authorizations, coordination, and approvals must still be obtained from the appropriate  
substantive division, Legat, Chief of Mission and/or DOJ Office of International Affairs  
as appropriate. Procedures for those requests remain the same.

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Appendix B:



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### Appendix C: Legal Authorities

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(U//FOUO) The new Attorney General's Guidelines Regarding the Use of FBI Confidential Human Sources, signed on December 13, 2006, eliminated various types of cooperating witnesses, confidential informants, and assets covered under FBI policy.

(U//FOUO) Under the authority of the new Attorney General's Guidelines Regarding the Use of FBI Confidential Human Sources, this Confidential Human Source Policy Manual was required in order to implement and comply with mandates to comprehensively address all CHS administration.

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## **Appendix D: Sources of Additional Information**

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Please view the Directorate of Intelligence's web site for additional information:

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Directorate of Intelligence

Unit Chief,

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## Appendix E: Key Words and Acronyms

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### Key Words

**Confidential Human Source:** Any individual who is believed to be providing useful and credible information to the FBI for any authorized information collection activity, and from whom the FBI expects or intends to obtain additional, useful, and credible information in the future, and whose identity, information, or relationship with the FBI warrants confidential handling.

### Acronyms

AAG	Assistant Attorney General
AD	Assistant Director
ADIC	Assistant Director in Charge
ALAT	Assistant Legat Attaches
AGG	Attorney General's Guidelines
AGG CHS	Attorney General's Guidelines Regarding the Use of FBI Confidential Human Sources
ASAC	Assistant Special Agent in Charge
A/SSA	Acting Supervisory Special Agent
AUSA	Assistant United States Attorney
BOP	Bureau of Prisons
CA	Case Agent
CDC	Chief Division Counsel
CE	Confidential Expenditures
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CFP	Chief Federal Prosecutor
CHS	Confidential Human Source
CHSC	Confidential Human Source Coordinator
CHSPM	Confidential Human Source Policy Manual
CHSVSM	Confidential Human Source Validation Standards Manual
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CIP	Criminal Informant Program

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CIS      Citizenship and Immigration Services

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[REDACTED]

DAD      Deputy Assistant Director  
DAG      Deputy Attorney General  
DEA      Drug Enforcement Administration  
DD      Deputy Director  
DHS      Department of Homeland Security  
DI      Directorate of Intelligence  
DO      Doctor of Osteopathy  
DoD      Department of Defense  
DOE      Department of Energy  
DOJ      Department of Justice  
DOS      Department of State  
EC      Electronic Communication  
ECPA      Electronic Communications Privacy Act  
ELSUR      Electronic Surveillance  
FBI      Federal Bureau of Investigation  
FBIHQ      Federal Bureau of Investigation Headquarters  
FD      Finance Division

[REDACTED]

FO      Field Office  
FOASR      Field Office Annual Source Report  
FPO      Federal Prosecuting Office  
FY      Fiscal Year

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[REDACTED]

HSRC      Human Source Review Committee  
HUMINT      Human Intelligence

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ICE Immigration and Customs Enforcement

IIR Intelligence Information Report

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[REDACTED]

INR Bureau of Intelligence and Research

INS Immigration and Naturalization Service

IRS Internal Revenue Service

LHM Letterhead Memorandum

MAOP Manual of Administrative Operations and Procedures

MD Doctor of Medicine

MIOG Manual of Investigative Operations and Guidelines

MOU Memorandum of Understanding

[REDACTED]

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NCIC National Crime Information Center

NFIPM National Foreign Intelligence Policy Manual

NFPO No Foreign Policy Objection

NSD National Security Division

NSIG National Security Investigation Guidelines

NSLB National Security Law Branch

OCA Office of Congressional Affairs

OCDETF Organized Crime Drug Enforcement Task Force

ODNI Office of the Director of National Intelligence

OEO Office of Enforcement Operations

OGC Office of General Counsel

OIO Office of International Operations

OO Office of Origin

[REDACTED]

SA Special Agent

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SAC Special Agent in Charge

[REDACTED]

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SSA        Supervisory Special Agent

SSN        Social Security Number

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TFO        Task Force Officer

UCC        Undercover Coordinator

UCE        Undercover Employee

UCO        Undercover Operation

UN         United Nations

UNI        Universal Index

USA        United States Attorney

USAM      United States Attorney Manual

US         United States

USPC      United States Parole Commission

USAO      United States Attorney's Office

USMS      United States Marshal Service

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